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TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP-1943-22]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

1943 ACREAGE ALLOTMENTS FOR TOBACCO

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order 9322 as amended by Executive Order 9334, the 1943 Agricultural Conservation Program Bulletin as amended, is further amended as follows:

1. Section 701.401 is amended by deleting the last sentence of the first paragraph thereof and substituting in lieu thereof the following:

§ 701.401 *Allotments, yields, and grazing capacities.* * * *

The national and State acreage allotments for flue-cured tobacco are as follows:

STATE AND ALLOTMENT (ACRES)

Alabama, 500; Florida, 15,393; Georgia, 83,521; North Carolina, 573,549; South Carolina, 94,307; and Virginia, 87,217. Total, 854,487 acres.

The national and State acreage allotments for fire-cured tobacco are as follows:

STATE AND ALLOTMENT (ACRES)

Illinois, 15; Kentucky, 34,176; Missouri, 13; Tennessee, 35,176; and Virginia, 16,184. Total, 85,564 acres.

The national and State acreage allotments for Burley tobacco are as follows:

STATE AND ALLOTMENT (ACRES)

Alabama, 167; Arkansas, 100; Georgia, 136; Illinois, 38; Indiana, 12,089; Kansas, 509; Kentucky, 299,930; Missouri, 6,278; North Carolina, 10,186; Ohio, 15,557; Oklahoma, 8; South Carolina, 94; Tennessee, 76,001; Virginia, 12,936; West Virginia, 4,703. Total, 438,732 acres.

The national and State acreage allotments for Dark Air-cured tobacco are as follows:

STATE AND ALLOTMENT (ACRES)

Indiana, 382; Kentucky, 31,710; Missouri, 59; Tennessee, 4,719. Total, 38,870 acres.

The national and State acreage allotment for Virginia Sun-cured tobacco is as follows:

STATE AND ALLOTMENT (ACRES)

Virginia, 3,100.

The national and State acreage allotment for Cigar Filler Type 41 is as follows:

STATE AND ALLOTMENT (ACRES)

Pennsylvania, 30,500.

The national and State acreage allotments for Cigar Filler and Binder (except Types 41 and 45) are as follows:

STATE AND ALLOTMENT (ACRES)

Connecticut, 11,659; Illinois, 15; Indiana, 17; Massachusetts, 5,180; Minnesota, 770; New Hampshire, 33; New York, 1,360; Ohio, 17,643; Pennsylvania, 516; Vermont, 30; and Wisconsin, 24,905. Total, 62,163 acres.

The national and State acreage allotments for Georgia and Florida, Type 62, are as follows:

STATE AND ALLOTMENT (ACRES)

Florida, 2,349; and Georgia, 551. Total, 2,900 acres.

The 1943 county average yields of flue-cured tobacco are as follows:

COUNTY AND YIELD PER ACRE (POUNDS)

Alabama: Autauga, 800; Butler, 744; Coffee, 800; Conecuh, 800; Covington, 830; Dale, 840; Etowah, 840; Geneva, 838; Henry, 797; Houston, 853; Jackson, 700; and Randolph, 700.
Florida: Alachua, 948; Baker, 820; Bay, 810; Bradford, 890; Calhoun, 820; Citrus, 714; Columbia, 809; Dixie, 811; Gadsden, 821; Gilchrist, 898; Hamilton, 941; Hernando, 921; Hillsborough, 850; Holmes, 878; Jackson, 679; Jefferson, 842; Lafayette, 850; Lake, 803; Leon, 865; Levy, 868; Madison, 800; Marion, 832; Nassau, 825; Okaloosa, 870; Pasco, 820; Polk, 820; St. Johns, 800; Santa Rosa, 863; Seminole, 900; Sumter, 883; Suwannee, 803; Taylor, 830; Union, 918; Wakulla, 800; and Washington, 851.
Georgia: Appling, 977; Atkinson, 1,017; Bacon, 976; Baker, 851; Barrow, 812; Ben Hill,

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North Carolina: Alamance, 738; Alexander, 870; Anson, 871; Beaufort, 905; Bertie, 971; Bladen, 878; Brunswick, 870; Burke, 774; Cabarrus, 832; Caldwell, 808; Camden, 744; Carteret, 854; Caswell, 834; Catawba, 820; Chatham, 743; Chowan, 868; Cleveland, 826; Columbus, 1,022; Craven, 854; Cumberland, 858; Currituck, 826; Davidson, 823; Davie, 745; Duplin, 891; Durham, 718; Edgecombe, 944; Forsyth, 840; Franklin, 882; Gaston, 723; Gates, 785; Granville, 746; Greene, 920; Guilford, 838; Halifax, 974; Harnett, 877; Hertford, 981; Hoke, 875; Hyde, 934; Iredell, 813; Johnston, 916; Jones, 872; Lee, 844; Lenoir, 903; Lincoln, 688; Martin, 960; Mecklenburg, 808; Montgomery, 996; Moore, 762; Nash, 909; New Hanover, 858; Northampton, 820; Onslow, 906; Orange, 754; Pamlico, 802; Pender, 848; Perquimans, 826; Person, 820; Pitt, 870; Randolph, 768; Richmond, 834; Robeson, 957; Rockingham, 883; Rowan, 781; Sampson, 867; Scotland, 841; Stanley, 681; Stokes, 848; Surry, 824; Tyrrell, 826; Union, 843; Vance, 825; Wake, 816; Warren, 790; Washington, 702; Wayne, 900; Wilkes, 692; Wilson, 955; and Yadkin, 824.

South Carolina: Aiken, 617; Allendale, 747; Bamberg, 771; Barnwell, 831; Berkeley, 730; Calhoun, 689; Charleston, 700; Cherokee, 700; Chester, 768; Chesterfield, 820; Clarendon, 864; Colleton, 855; Darlington, 883; Dillon, 932; Dorchester, 857; Edgefield, 624; Fairfield, 666; Florence, 917; Georgetown, 930; Greenville, 801; Hampton, 752; Horry, 1,076; Jasper, 830; Kershaw, 735; Lancaster, 785; Laurens, 700; Lee, 832; Lexington, 828; McCormick, 906; Marion, 926; Marlboro, 883; Newberry, 994; Orangeburg, 817; Richland, 719; Saluda, 834; Sumter, 891; Williamsburg, 927; and York, 649.

Virginia: Amelia, 840; Amherst, 750; Appomattox, 800; Bedford, 860; Brunswick, 780; Buckingham, 750; Campbell, 785; Carroll, 800; Charlotte, 828; Chesterfield, 780; Cumberland, 838; Dinwiddie, 785; Floyd, 700; Fluvanna, 750; Franklin, 862; Gloucester, 750; Goochland, 770; Greensville, 790; Halifax, 760; Henrico, 760; Henry, 750; Isle of Wight, 910; Lunenburg, 780; Mecklenburg, 780; Middlesex, 760; Nansemond, 840; New Kent, 800; Nottoway, 800; Patrick, 815; Pittsylvania, 790; Powhatan, 790; Prince Edward, 845; Prince George, 740; Southampton, 750; Surry, 895; Sussex, 800; and Norfolk, 800.

The 1943 county average yields of fire-cured tobacco are as follows:

COUNTY AND YIELD PER ACRE (POUNDS)

Illinois: Johnson, 851; and Massac, 860.

Kentucky: Ballard, 920; Caldwell, 830; Calhoun, 830; Carlisle, 880; Christian, 825; Crittenden, 851; Fulton, 851; Graves, 830; Hickman, 857; Hopkins, 798; Livingston, 805; Logan, 860; Lyon, 840; McCracken, 829; Marshall, 808; Muhlenberg, 737; Simpson, 900; Todd, 800; and Trigg, 835.

Missouri: Butler, 860.

Tennessee: Carroll, 790; Cheatham, 876; Coffee, 739; Davidson, 921; Dickson, 823; Dyer, 495; Franklin, 741; Giles, 750; Henderson, 600; Henry, 809; Hickman, 681; Houston, 832; Humphreys, 792; Lawrence, 833; McNairy, 850; Macon, 1,100; Montgomery, 822; Moore, 863; Obion, 860; Robertson, 889; Stewart, 840; Sumner, 864; Warren, 650; Weakley, 840; and Williamson, 802.

Virginia: Albemarle, 700; Amelia, 830; Amherst, 795; Appomattox, 850; Bedford, 875; Botetourt, 900; Brunswick, 940; Buckingham, 795; Campbell, 850; Charlotte, 850; Chesterfield, 840; Cumberland, 830; Dinwiddie, 880; Floyd, 800; Frederick, 800; Franklin, 825; Greenville, 610; Halifax, 800; Henry, 700; Lunenburg, 885; Mecklenburg, 800; Nelson, 795; Nottoway, 880; Pittsylvania, 840; Powhatan, 830; Prince Edward, 860; Roanoke, 750; Rockbridge, 950; and Sussex, 750.

The 1943 county average yields of Burley tobacco are as follows:

COUNTY AND YIELD PER ACRE (POUNDS)

Alabama: Calhoun, 845; Culman, 845; Jackson, 765; Lauderdale, 550; Limestone, 823; Madison, 837; Marshall, 845; Sumter, 845; Tuscaloosa, 660; and Winston, 693.

Arkansas: Baxter, 800; Benton, 850; Carroll, 857; Clay, 800; Fulton, 800; Sharp, 700; Van Buren, 800; Washington, 650; and White, 495.

Georgia: Banks, 849; Catoosa, 844; Cherokee, 819; Dade, 850; Fannin, 850; Floyd, 850; Gilmer, 860; Gordon, 845; Habersham, 850; Hall, 850; Hancock, 850; Monroe, 851; Murray, 850; Pickens, 850; Rabun, 852; Towns, 863; Union, 845; Walker, 850; and Whitfield, 861.

Illinois: Crawford, 857; Effingham, 850; and Hamilton, 837.

Indiana: Bartholomew, 909; Brown, 838; Clark, 778; Crawford, 693; Daviess, 660; Dearborn, 825; Decatur, 784; Dubois, 823; Fayette, 946; Floyd, 808; Fountain, 1,219; Franklin, 803; Grant, 1,140; Green, 942; Harrison, 729; Hendricks, 1,421; Henry, 852; Jackson, 726; Jefferson, 939; Jennings, 727; Johnson, 1,185; Lawrence, 776; Morgan, 1,021; Monroe, 886; Ohio, 899; Orange, 824; Owen, 814; Parke, 852; Perry, 767; Randolph, 852; Putnam, 852; Ripley, 817; Rush, 936; Scott, 760; Shelby, 740; Spencer, 698; Sullivan, 823; Switzerland, 910; Union, 1,123; Warrick, 823; and Washington, 777.

Kansas: Atchison, 740; Brown, 869; Doniphan, 907; Jefferson, 821; Johnson, 912; Leavenworth, 885; Linn, 906; Miami, 841; and Wyandotte, 841.

Kentucky: Adair, 768; Allen, 815; Anderson, 804; Ballard, 700; Barren, 804; Bath, 816; Bell, 721; Boone, 950; Bourbon, 993; Boyd, 638; Boyle, 892; Bracken, 840; Breathitt, 683; Breckinridge, 709; Bullitt, 768; Butler, 716; Caldwell, 752; Calloway, 757; Campbell, 845; Carlisle, 760; Carroll, 946; Carter, 718; Casey, 793; Christian, 803; Clark, 938; Clay, 737; Clinton, 805; Crittenden, 748; Cumberland, 714; Daviess, 780; Edmonson, 739; Elliott, 726; Estill, 680; Fayette, 1,010; Fleming, 861; Floyd, 750; Franklin, 849; Fulton, 600; Gallatin, 940; Garrard, 845; Grant, 940; Graves, 801; Grayson, 704; Green, 754; Greenup, 709; Hancock, 722; Hardin, 784; Harlan, 600; Harrison, 892; Hart, 734; Henderson, 756; Henry, 865; Hickman, 792; Hopkins, 719; Jackson, 741; Jefferson, 799; Jessamine, 889; Johnson, 710; Kenton, 870; Knott, 600; Knox, 632; Larue, 805; Laurel, 734; Lawrence, 710; Lee, 610; Leslie, 610; Letcher, 620; Lewis, 789; Lincoln, 828; Livingston, 606; Logan, 874; Lyon, 741; McCracken, 666; McCreary, 730; McLean, 745; Madison, 862; Magoffin, 641; Marion, 836; Marshall, 691; Mason, 862; Meade, 750; Menifee, 686; Mercer, 869; Metcalfe, 730; Monroe, 730; Montgomery, 907; Morgan, 720; Muhlenberg, 686; Nelson, 872; Nicholas, 882; Ohio, 680; Oldham, 811; Owen, 887; Owsley, 680; Pendleton, 840; Perry, 699; Pike, 740; Powell, 635; Pulaski, 765; Robert-

son, 808; Rockcastle, 736; Rowan, 720; Russell, 748; Scott, 820; Shelby, 914; Simpson, 891; Spencer, 809; Taylor, 793; Todd, 760; Trigg, 761; Trimble, 840; Union, 785; Warren, 894; Washington, 858; Wayne, 830; Webster, 800; Whitley, 669; Wolfe, 725; and Woodford, 1,003.

Missouri: Andrew, 863; Atchison, 800; Bollinger, 641; Bates, 710; Boone, 603; Buchanan, 965; Caldwell, 834; Callaway, 916; Carroll, 864; Carter, 800; Cass, 874; Cape Girardeau, 748; Chariton, 830; Clay, 865; Clinton, 865; Cole, 801; Cooper, 830; Davies, 937; DeKalb, 937; Grundy, 878; Henry, 600; Holt, 860; Howard, 860; Howell, 838; Jackson, 862; Knox, 828; Lafayette, 937; Lewis, 800; Lincoln, 972; Linn, 916; Livingston, 801; Macon, 922; Marion, 826; Miller, 633; Moniteau, 910; Oregon, 942; Platte, 865; Pike, 814; Ray, 939; Randolph, 801; Reynolds, 600; Saline, 603; Schuyler, 803; Scotland, 803; Shelby, 873; St. Clair, 845; Stone, 667; Taney, 700; and Webster, 748.

North Carolina: Alleghany, 806; Ashe, 937; Avery, 943; Buncombe, 937; Burke, 856; Caldwell, 845; Cherokee, 857; Clay, 941; Cleveland, 826; Davidson, 867; Davie, 927; Duplin, 600; Durham, 600; Forsyth, 762; Gaston, 762; Graham, 933; Haywood, 840; Henderson, 872; Jackson, 913; McDowell, 837; Macon, 883; Madison, 898; Mecklenburg, 975; Mitchell, 924; Polk, 762; Rutherford, 723; Swain, 871; Transylvania, 914; Watauga, 935; Wilkes, 751; and Yancey, 924.

Ohio: Adams, 828; Belmont, 1,311; Brown, 862; Butler, 760; Clermont, 838; Clinton, 830; Fayette, 856; Gallia, 954; Greene, 1,025; Hamilton, 862; Highland, 921; Hocking, 900; Jackson, 941; Lawrence, 851; Meigs, 770; Monroe, 780; Montgomery, 937; Muskingum, 900; Noble, 873; Pickaway, 964; Pike, 781; Preble, 816; Ross, 696; Scioto, 830; Shelby, 937; Vinton, 812; Warren, 860; and Washington, 1,105.

Oklahoma: Delaware, 850; and Mayes, 850.

South Carolina: Abbeville, 875; Anderson, 875; Cherokee, 871; Chester, 875; Greenville, 870; Laurens, 875; McCormick, 875; Oconee, 874; Pickens, 874; Saluda, 875; Spartanburg, 868; Union, 875; and York, 835.

Tennessee: Anderson, 824; Bedford, 834; Bledsoe, 740; Blount, 860; Bradley, 670; Campbell, 860; Cannon, 735; Carter, 933; Cheatham, 800; Claiborne, 960; Clay, 735; Cocke, 850; Coffee, 630; Cumberland, 702; Davidson, 866; DeKalb, 815; Dickson, 879; Dyer, 934; Fentress, 762; Franklin, 805; Giles, 783; Grainger, 1,000; Greene, 825; Grundy, 630; Hamblen, 994; Hamilton, 732; Hancock, 937; Hawkins, 915; Hickman, 780; Houston, 800; Humphreys, 721; Jackson, 816; Jefferson, 1,003; Johnson, 1,112; Knox, 882; Lawrence, 784; Lewis, 679; Lincoln, 835; Loudon, 934; McMinn, 860; Macon, 830; Marion, 787; Marshall, 831; Maury, 842; Meigs, 810; Monroe, 880; Montgomery, 785; Moore, 838; Morgan, 603; Obion, 880; Overton, 763; Perry, 670; Pickett, 810; Polk, 792; Putnam, 621; Rhea, 886; Roane, 865; Robertson, 840; Rutherford, 809; Scott, 740; Sequeatchie, 760; Sevier, 970; Smith, 840; Stewart, 791; Sullivan, 800; Sumner, 845; Trousdale, 840; Unicoi, 860; Union, 930; Van Buren, 611; Warren, 703; Washington, 980; Wayne, 770; White, 805; Williamson, 845; and Wilson, 869.

Virginia: Albemarle, 825; Amelia, 825; Amherst, 825; Appomattox, 825; Bedford, 875; Bland, 1,150; Botetourt, 930; Brunswick, 975; Buchanan, 960; Buckingham, 900; Campbell, 825; Carroll, 875; Charlotte, 825; Chesterfield, 825; Cumberland, 850; Dickenson, 900; Dinwiddie, 825; Floyd, 1,000; Fluvanna, 850; Franklin, 829; Frederick, 800; Giles, 825; Goochland, 825; Grayson, 1,090; Halifax, 825; Henrico, 850; Lee, 1,000; Lunenburg, 800; Mecklenburg, 800; Montgomery, 1,000; Nottoway, 825; Orange, 800; Powhatan, 800; Patrick, 825; Prince Edward, 850; Pulaski, 1,000; Rockbridge, 850; Russell, 1,180; Scott, 1,030; Smyth, 1,125; Spotsylvania, 800; Tazewell, 1,200; Washington, 1,125; Wise, 860; and Wythe, 1,028.

West Virginia: Boone, 677; Cabell, 693; Clay, 641; Jackson, 723; Kanawha, 623; Lincoln, 637; Logan, 603; Mason, 763; Mercer, 1,190; Mingo, 742; Monroe, 1,163; Putnam, 659; Roane, 660; Wayne, 734; Wirt, 622; and Wood, 603.

The 1943 county average yields of dark air-cured tobacco are as follows:

COUNTY AND YIELD PER ACRE (POUNDS)

Indiana: Dubois, 865; Perry, 1,092; Pike, 730; Spencer, 872; and Warrick, 824.

Kentucky: Allen, 950; Breckinridge, 795; Butler, 803; Caldwell, 830; Calloway, 830; Carlisle, 857; Christian, 825; Crittenden, 851; Davies, 820; Fulton, 831; Graves, 818; Grayson, 738; Hancock, 830; Hardin, 1,100; Henderson, 910; Hickman, 837; Hopkins, 796; Logan, 820; Lyon, 840; McCracken, 829; McLean, 875; Marshall, 803; Monroe, 850; Muhlenberg, 737; Ohio, 850; Simpson, 860; Todd, 800; Trigg, 835; Union, 860; Warren, 965; and Webster, 840.

Missouri: Ripley, 860.

Tennessee: Bedford, 750; Benton, 822; Carroll, 536; Henry, 809; Giles, 837; Macon, 861; Jackson, 800; Montgomery, 855; Lewis, 600; Obion, 830; Overton, 639; Robertson, 824; Fickett, 660; Sumner, 836; Trousdale, 666; Warren, 650; Weakley, 830; and Williamson, 709.

The 1943 county average yields of Virginia Sun-cured tobacco are as follows:

COUNTY AND YIELD PER ACRE (POUNDS)

Virginia: Amelia, 830; Buckingham, 795; Caroline, 1,000; Charlotte, 850; Chesterfield, 840; Cumberland, 830; Dinwiddie, 800; Essex, 945; Fluvanna, 890; Goochland, 750; Hanover, 840; Henrico, 850; King & Queen, 910; King William, 910; Louisa, 800; Powhatan, 830; Prince Edward, 1,030; Lunenburg, 800; and Spotsylvania, 835.

The 1943 county average yields of cigar filler tobacco, Type 41, are as follows:

COUNTY AND YIELD PER ACRE (POUNDS)

Pennsylvania: Berks, 1,218; Chester, 1,231; Dauphin, 1,149; Lancaster, 1,278; Lebanon, 1,200; and York, 1,233.

The 1943 county average yields of cigar filler and binder tobacco (except Types 41 and 45) are as follows:

COUNTY AND YIELD PER ACRE (POUNDS)

Connecticut: Fairfield, 1,500; Hartford, 1,533; Litchfield, 1,500; Middlesex, 1,500; and Tolland, 1,585.

Illinois: Boone, 1,000.

Indiana: Randolph, 836; and Wayne, 836.

Massachusetts: Franklin, 1,563; Hampden, 1,563; and Hampshire, 1,563.

Minnesota: Benton, 914; Freeborn, 1,021; Fillmore, 958; Houston, 1,000; Meeker, 1,064; Sherburne, 833; and Stearns, 1,236.

New Hampshire: Cheshire, 1,493.

New York: Cayuga, 1,187; Chemung, 1,293; Onondaga, 1,262; Oswego, 1,148; and Steuben, 1,231.

Ohio: Butler, 1,155; Darke, 936; Greene, 1,028; Miami, 951; Montgomery, 931; Preble, 975; Shelby, 839; and Warren, 1,031.

Pennsylvania: Clinton, 1,297; Northumberland, 1,263; Juniata, 1,402; Lycoming, 1,375; Snyder, 1,280; Tioga, 1,093; and Union, 1,375.

Vermont: Windham, 1,463.

Wisconsin: Barron, 1,053; Buffalo, 1,202; Chippewa, 1,241; Columbia, 1,305; Crawford, 1,373; Dane, 1,392; Dunn, 1,046; Grant, 1,245; Green, 1,310; Jackson, 1,104; Jefferson, 1,229; Juneau, 1,032; La Crosse, 1,357; Monroe, 1,318; Richland, 1,371; Rock, 1,344; St. Croix, 1,353; Trempealeau, 1,157; Vernon, 1,331.

The 1943 county average yields of Georgia-Florida Type 62 tobacco, are as follows:

COUNTY AND YIELD PER ACRE (POUNDS)

Georgia: Decatur, 1,047; and Grady, 1,050.
Florida: Gadsden, 1,019; Leon, 900; and Madison, 970.

(49 Stat. 1148-1151, 55 Stat. 860, 54 Stat. 676, 55 Stat. 236, 56 Stat. 176, E.O. 9322, 9334)

Done at Washington, D. C., this 13th day of December 1943.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 43-19936; Filed, December 14, 1943; 11:25 a. m.]

Chapter XI—War Food Administration
(Distribution Orders)

[FDO 4-4, Amdt. 2]

PART 1450—TOBACCO

1943 CROP FIRE-CURED AND DARK AIR-CURED
TOBACCO

Food Distribution Order No. 4-4, § 1450.6, issued by the Acting Director of Food Distribution, War Food Administration, on November 27, 1943, as amended (8 F.R. 16098, 16497), is amended by deleting therefrom the provisions in § 1450.6 (b) (v) and inserting in lieu thereof, the following:

(v) Type 38; Grades B5F 46, 45, 44; B5FV 46, 45, 44; B5R 46, 45, 44; B5D 46, 45, 44; B5M 46, 45, 44; B5G 46, 45, 44; C5L 46, 45, 44; C5F 46, 45, 44; C5FV 46, 45, 44; C5R 46, 45, 44; C5M 46, 45, 44; C5G 46, 45, 44; T3F, T3R, T3D, T3M, T3G, T4F, T4R, T4D, T4M, T4G, T5F, T5R, T5D, T5M, T5G, X5R, X5D, X5M, X5G, and N.

This amendment shall become effective at 12:01 a. m., e. w. t., Dec. 15, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 4-4, as amended, prior to the effective time of this amendment, Food Distribution Order No. 4-4, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 4, 8 F.R. 335, 11331)

Issued this 14th day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-19952; Filed, December 14, 1943; 3:41 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5311]

PART 30—REGULATIONS UNDER THE EXCESS-
PROFITS TAX ACT OF 1940

PRODUCTION BONUS PAYMENTS

In order to conform Regulations 109 [Part 30, 26 CFR 1941 Sup.] to Public

Law 172, approved October 26, 1943 (78th Congress, 1st Session), such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 30.711 (a)—1 the following:

PUBLIC LAW 172 (78TH CONGRESS, 1ST SESSION),
APPROVED OCTOBER 26, 1943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. Section 711 (a) (1) (I) of the Internal Revenue Code is amended to read as follows:

(I) Nontaxable income of certain industries. In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735. In respect of nontaxable bonus income provided in section 735 (c), a corporation described in section 735 (c) (2) shall be deemed a producer of minerals for the purposes of this subparagraph.

SEC. 4. The amendments made by this act shall be effective as if they were a part of section 209 of the Revenue Act of 1942 on the date of its enactment.

PAR. 2. Section 30.711 (a)—2, as amended by Treasury Decision 5253, approved March 27, 1943, is further amended by striking the last sentence from the first paragraph immediately following the first example, and by inserting immediately after such paragraph the following new paragraph:

For the exclusion of nontaxable income from exempt excess output of mines and timber blocks for taxable years beginning after December 31, 1941, and nontaxable bonus income for taxable years beginning after December 31, 1940, provided in section 735 in the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, see section 711 (a) (1) (I), as added by section 209 (a) of the Revenue Act of 1942, and amended by Public Law 172, approved October 26, 1943 (78th Congress, 1st Session). For the purposes of the exclusion pursuant to the provisions of section 711 (a) (1) (I) of nontaxable bonus income provided in section 735 (c), a corporation described in section 735 (c) (2) as one which extracts or recovers a mineral product from mine tailings and which owns no economic interest in the mineral property from which the ore containing such tailings was mined shall be deemed to be a producer of the minerals so extracted or recovered.

PAR. 3. There is inserted immediately preceding § 30.711 (a)—3 the following:

PUBLIC LAW 172 (78TH CONGRESS, 1ST SESSION),
APPROVED OCTOBER 26, 1943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 3. Section 711 (a) (2) (K) of the Internal Revenue Code is amended to read as follows:

(K) Nontaxable income of certain industries. In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt ex-

cess output of mines and timber blocks and nontaxable bonus income provided in section 735. In respect of nontaxable bonus income provided in section 735 (c), a corporation described in section 735 (c) (2) shall be deemed a producer of minerals for the purposes of this subparagraph.

SEC. 4. The amendments made by this act shall be effective as if they were a part of section 209 of the Revenue Act of 1942 on the date of its enactment.

PAR. 4. There is inserted immediately preceding § 30.735-1 the following:

PUBLIC LAW 172 (78TH CONGRESS, 1ST SESSION),
APPROVED OCTOBER 26, 1943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 735 (c) of the Internal Revenue Code is amended to read as follows:

(c) Nontaxable bonus income. The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of:

(1) A mineral product or timber, the exhaustion of which gives rise to an allowance for depletion under section 23 (m), but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of such quota; or

(2) A mineral product extracted or recovered from mine tailings by a corporation which owns no economic interest in the mineral property from which the ore containing such tailings was mined, but such amount shall not exceed the net income attributable to the output in excess of such quota.

SEC. 4. The amendments made by this act shall be effective as if they were a part of section 209 of the Revenue Act of 1942 on the date of its enactment.

PAR. 5. Section 30.735-2 (a), as added by Treasury Decision 5286, approved July 22, 1943, is amended by inserting at the end thereof the following new paragraph:

For the purpose of the exclusion from excess profits net income of nontaxable bonus income on account of the production in excess of a specified quota of a mineral product extracted or recovered from mine tailings (see section 735 (c) (2)), a corporation which so extracts or recovers such a mineral product and which owns no economic interest in the mineral property from which the ore containing such tailings was mined shall be deemed to be a producer of minerals.

PAR. 6. Section 30.735-4, as added by Treasury Decision 5286, approved July 22, 1943, is amended by changing the first paragraph thereof to read as follows:

§ 30.735-4 Nontaxable bonus income. With respect to excess profits tax taxable years beginning after December 31, 1940, the term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of either of the following:

(a) A mineral product or timber, if the exhaustion of the mineral property or the timber block from which such product or timber was recovered gives

rise to an allowance for depletion under section 23 (m). Such amount, however, shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of the quota. Such net income so attributable shall be an amount which bears the same ratio to the net income from the mineral property, computed as provided in § 30.735-2 (i), or the net income from the timber block, computed as provided in § 30.735-2 (l), as the output in excess of the quota bears to the total number of mineral units or timber units produced for the taxable year. If two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, non-taxable bonus income must be determined with respect to each such metal, coal, or nonmetallic substance, and net income from the property must be allocated fairly between each type of metal, coal, or nonmetallic substance. In the case of any such bonus paid with respect to any such type of metal, coal, or nonmetallic substance the nontaxable bonus income shall not exceed the net income attributable to the output in excess of the specified quota of such type. Such net income shall be an amount which bears the same ratio to the net income attributable to such type of metal, coal, or nonmetallic substance as the output in excess of the quota established for such type bears to the number of mineral units of such type produced for the taxable year.

(b) A mineral product extracted or recovered from mine tailings by a corporation which does not own an economic interest in the mineral property from which the ore containing such tailings was mined. Such amount, however, shall not exceed the net income attributable to the output in excess of the quota. Such net income so attributable shall be an amount which bears the same ratio to the net income computed with respect to the mineral product extracted or recovered from the tailings as the number of mineral units in the output of the mineral product recovered or extracted from the tailings in excess of the quota bears to the total number of mineral units in the mineral product recovered or extracted from the tailings in the taxable year. Net income computed with respect to the mineral product extracted or recovered from mine tailings shall be computed pursuant to § 30.735-2 (l), except with respect to the allowance for depletion, as if such mine tailings were a mineral property.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C. 62) as made applicable by sec. 729 (a) of the Internal Revenue Code (54 Stat. 989; 26 U.S.C. 729 (a)) and Pub. Law 172, approved Oct. 26, 1943 (78th Cong.))

ROBERT E. HANNAGAN,
Commissioner of Internal Revenue.
Approved: December 14, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.
[F. R. Doc. 43-19991; Filed, December 15, 1943;
11:19 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 101—PHYSICAL PROPERTIES OF COINS ONE-CENT PIECE

DECEMBER 10, 1943.

Whereas, my order of December 23, 1942, as amended May 15, 1943, prescribed the pertinent physical properties of the 1-cent piece coined pursuant to the terms of the Act of December 18, 1942 (Public Law 815, 77th Congress);

Whereas, I have determined, after consultation with the Chairman of the War Production Board, that the following changes in the physical properties of the 1-cent piece will operate to conserve strategic metals in furtherance of the war effort, and

Whereas, in determining the following changes in the physical properties of the 1-cent piece, I have taken into consideration its use in coin-operated devices;

Now, therefore, I, D. W. Bell, Acting Secretary of the Treasury, do hereby order that:

§ 101.1 *One-cent piece.* (a) From January 1, 1944 until further notice, or until December 31, 1946, whichever shall first occur, the 1-cent piece coined by the United States mints shall have the following physical properties:

(1) It shall be composed 95 percent of copper and 5 percent of zinc.

(2) It shall weigh 48 grains.

(3) It shall have a diameter of .750 inches.

(4) It shall be in the shape of a disc.

(5) It shall not vary in weight by more than 2 grains, and it shall not vary in diameter by more than .002 inches.

(6) It shall contain the same design, devices and legends as those used since 1909, for the 1-cent piece coined pursuant to amended section 3515 of the Revised Statutes (U.S.C. title 31, sec. 317).

(b) After January 1, 1944, and during the period in which the above-described 1-cent piece is coined, the coinage of 1-cent pieces pursuant to the provisions of amended section 3515 of the Revised Statutes (U.S.C. title 31, sec. 317) and pursuant to my order of December 23, 1942, as amended May 15, 1943, shall be suspended.

This order may be modified or revoked at any time.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-19363; Filed, December 15, 1943;
10:37 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 120]

SUBSTITUTION OF "REQUIREMENTS AND SUPPLY BRANCH" FOR "OFFICE OF EXPORTS"

Part 801, General Regulations, is hereby amended in the following particulars:

1. Wherever the words "Office of Exports" appear in Part 801, they are de-

leted and the words "Requirements and Supply Branch" are substituted therefor.

2. Paragraph (d) of § 801.1 *Definitions* is hereby amended to read as follows:

(d) "Requirements and Supply Branch" shall mean the Requirements and Supply Branch of the Bureau of Supplies of the Foreign Economic Administration.

Part 802, General Licenses; Part 803, Unlimited Licenses; Part 804, Individual Licenses; Part 805, Selected Destinations Clearance Procedure; Part 806, Technical Data; Part 808, Procedure to Secure Shipping Space to the Other American Republics; and Part 810, Program Licenses are hereby amended by deleting the words "Office of Exports", wherever they may appear in said parts, and substituting in lieu thereof the words "Requirements and Supply Branch".

Part 807, Denial of Licensing Privileges, is hereby amended in the following particulars:

1. By deleting the words "Office of Exports" wherever they may appear in said part and substituting in lieu thereof the words "Requirements and Supply Branch",

2. By deleting the words "Chief of Office, Office of Exports" wherever they may appear in said part and substituting in lieu thereof the words "Deputy Director, Requirements and Supply Branch", and

3. By deleting the words "Assistant Director in charge of the Office of Exports" wherever they may appear in said part and substituting in lieu thereof the words "Director, Requirements and Supply Branch".

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 10, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply
Branch, Bureau of Supplies.

[F. R. Doc. 43-19361; Filed, December 15, 1943;
10:11 a. m.]

[Amdt. 127]

PART 802—GENERAL LICENSES

SHIPMENTS NOT EXCEEDING SPECIFIED VALUE

Section 802.10 *General licenses which permit shipments not exceeding a specified value* is hereby amended in the following particulars:

Paragraph (e) *Definitions* is hereby amended by adding thereto subparagraph (4) as follows:

(4) "Domestic market price" shall mean the Office of Price Administration ceiling price which may be charged to the same type of purchaser in the United States or, where no ceiling price has been established, the current market price.

Paragraph (f) is hereby amended to read as follows:

(f) The provisions of this section shall not be construed as limiting the use of any other general licenses. Any person

making an exportation pursuant to a general license granted in this section shall state on the shipper's export declaration, whenever the filing of said declaration is required, that the domestic market price of the declared commodities does not exceed the value limitation established by the general license.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 11, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply
Branch, Bureau of Supplies.

[F. R. Doc. 43-19962; Filed, December 15, 1943;
10:11 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-433]

COMFORT SPRING CORPORATION (MARYLAND)

Comfort Spring Corporation, a Maryland corporation located at 12½ North Bethel Street, Baltimore, Maryland, is engaged in the manufacture of bed springs and other products in the furniture and bedding fields. Between October 1, 1942 and December 31, 1942 it violated General Limitation Order L-49 by using, in the manufacture of box bed springs, 20,404 pounds of iron and steel in excess of its authorized use. The company was familiar with the provisions of that order and this violation must be deemed wilful.

This improper use of iron and steel has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, That:

§ 1010.433 *Suspension Order No. S-433.* (a) Deliveries of material to Comfort Spring Corporation, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be applied, assigned, or extended to such delivery by means of any preference rating certificate, preference rating order, general preference order, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment to Comfort Spring Corporation, its successors or assigns, shall be made of any material or products, the supply or distribution of which is covered by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Comfort Spring Corporation, its successors or as-

signs, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 14, 1943 and shall expire on January 14, 1944.

Issued this 7th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19949; Filed, December 14, 1943;
3:09 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-440]

COMFORT SPRING CORPORATION (NEW YORK)

Comfort Spring Corporation, a New York corporation located at 179 Moore Street, Brooklyn, New York, is engaged in the manufacture of bed springs. Between March 20, 1942 and October 31, 1942 it violated General Limitation Order L-49 by using approximately 277,094 pounds of steel wire in the manufacture of springs, although, not having been engaged in such manufacture during the twelve months ending June 30, 1941, the Corporation had no manufacturing quota assigned to it. The Company knew of the restrictions contained in General Limitation Order L-49, and its operations in violation of those restrictions must be deemed wilful. This improper use of steel wire has hampered and impeded the war effort of the United States, by diverting critical material to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered That:

§ 1010.440 *Suspension Order No. S-440.* (a) Deliveries of material to Comfort Spring Corporation, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such delivery by means of any preference rating certificate, preference rating order, general preference order, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment to Comfort Spring Corporation, its successors or assigns, shall be made of any material or products, the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Comfort Spring Corporation, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 14, 1943, and shall expire on January 14, 1944.

Issued this 7th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19950; Filed, December 14, 1943;
3:09 p. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Conservation Order M-319 as Amended
Dec. 15, 1943]

MANUFACTURED CRUDE ABRASIVE AND ABRASIVE GRAIN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manufactured crude abrasive and abrasive grain for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3274.91 *Conservation Order M-319*—(a) *Definitions.* For the purpose of this order:

(1) "Manufactured crude abrasive" means silicon carbide or fused aluminum oxide. Unfused or levigated alumina, and natural abrasives such as emery, garnet, corundum, and flint are not subject to this order.

(2) "Silicon carbide" means that product which results from combining silica and coke in a resistance-type electric furnace.

(3) "Fused aluminum oxide" means that product resulting from the fusion of alumina, or the fusion and purification of bauxite in an electric furnace, reduced by sledging or crushing to ungraded lumps or fine particles.

(4) "Abrasive grain" means:

(i) Any manufactured crude abrasive which has been classified as to particle size by mechanical, hydraulic, pneumatic, or other methods, and

(ii) Abrasive optical finishing powders; abrasive flours, blasting grain, reclaimed grain, refractory grain, firesand, and other manufactured abrasive and refractory grain specialties, whether or not classified as to particle size.

(5) "Abrasive optical finishing powders" means abrasive grain classified in standard sizes containing a maximum concentration of particles of a particular size within the over all range of 22½ to 4 microns inclusive, which produces a uniform grain depth pattern or mat finish on glass so that successive operations with rouge produce an optical finish.

(6) "Reclaimed grain" means:

(i) Any abrasive grain recovered from wheel stubs or other baked or fired abrasive or refractory stock, including lathe room turnings and dressings. The term does not include green shavings,

(ii) Any abrasive grain recovered from coated abrasive products,

(iii) Any abrasive grain previously used in grain form or on wheels, in blasting, grinding, or polishing operations.

(7) "Producer" means any person who produces manufactured crude abrasive or abrasive grain.

(8) "Importer" means any person who imports manufactured crude abrasive or abrasive grain from sources outside the United States.

(9) "Branch outlet" means any branch store, branch warehouse, or other direct agent of a producer or importer, used for purposes of distributing manufactured crude abrasive or abrasive grain.

(10) "Distributor" means any purchaser of manufactured crude abrasive or abrasive grain for purposes of resale without further processing.

(11) "Ultimate consumer" means any purchaser of manufactured crude abrasive or abrasive grain other than a distributor.

(12) "Period of authorization" means the period in which any producer or importer is authorized to use, and any person is authorized to accept delivery of manufactured crude abrasive or abrasive grain pursuant to authorization on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain). Each period of authorization shall be of two calendar months' duration. The first period of authorization shall be for the months of July and August, 1943; the second period shall be for the months of September and October, 1943, etc.

(b) Restrictions on use and delivery of manufactured crude abrasive and abrasive grain. (1) Except as permitted by paragraph (d) of this order on and after July 1, 1943, notwithstanding any contract, agreement or preference rating to the contrary:

(i) No producer or importer shall himself use, and no producer, importer, branch outlet, or distributor shall deliver to any person any manufactured crude abrasive or abrasive grain except pursuant to specific authorization granted by the War Production Board on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain);

(ii) No person shall accept delivery of any manufactured crude abrasive or abrasive grain, except pursuant to specific authorization granted by the War Production Board on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain); and

(iii) Beginning with the November and December 1943 authorization period and in all subsequent periods, deliveries pursuant to authorization on Form WPB 2779 (formerly PD-888) or WPB-2781 (formerly PD-886) may be made and accepted at any time during the two months period covered by the application or during the first ten days of the next month.

(2) An order which has been authorized by the War Production Board on Form WPB 2779 [Form PD-888] (manufactured crude abrasive) or Form WPB-2781 [PD-886] (abrasive grain) must be accepted by the producer, importer, branch outlet, or distributor, and the producer, importer, branch outlet, or distributor must make delivery under it unless it does not meet his regularly established prices and terms (in accordance with Priorities Regulation No. 1):

Provided, however, That within any given two-month period of authorization, delivery of orders for manufactured crude abrasive or abrasive grain may be scheduled without regard to preference ratings in the sequence best suited to maximum production and customers' needs. For the purposes of this order, delivery shall be deemed to have been made when the bill of lading covering the particular shipment has been signed by the carrier.

(3) No producer or importer authorized to use, and no person authorized to accept delivery of abrasive grain by an authorization on Form WPB-2781 [Form PD-886] shall use such abrasive grain for any purposes other than the purposes authorized on said Form WPB-2781 [Form PD-886] except as otherwise specifically directed by the War Production Board.

(4) Notwithstanding any other provisions of this order, on and after July 1, 1943, no person shall purchase or accept delivery of any abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size 80 or coarser for use as loose grain for any of the purposes listed on Schedule A hereto attached, nor shall any person sell, transfer, or deliver any such abrasive grain which he knows or has reason to believe is intended for use as loose grain for any of the purposes listed on said Schedule A.

(c) Applications for authorization.

(1) Every person requiring authorization to use or accept delivery of manufactured crude abrasive during any period of authorization beginning with the March and April, 1944, period shall apply by the 5th day of the month preceding the period of authorization (i. e., on February 5th for the March and April period, etc.). All applications for manufactured crude abrasive shall be made on Form WPB-2779 (formerly PD-888) in the manner prescribed therein. Copies of Form WPB-2779 may be obtained at local Field Offices of the War Production Board.

(2) Every person requiring authorization to use or accept delivery of abrasive grain during any period of authorization beginning with March and April, 1944, shall apply by the 15th day of the first month of the preceding period of authorization (i. e., on January 15th for the March and April period, etc.). All applications for abrasive grain shall be made on Form WPB-2781 (formerly PD-886) in the manner prescribed therein. Copies of Form WPB-2781 may be obtained at local Field Offices of the War Production Board.

Each applicant for abrasive grain when filing his application with the War Production Board for the March and April, 1944, and subsequent periods must also file one copy of his application with the producer from whom he expects to obtain the abrasive grain applied for. If the applicant is placing his order through

a branch outlet or distributor, and does not know the name of the producer, he must file the extra copy with the branch outlet or distributor, and the branch outlet or distributor in turn, on receipt of the application, must forward it to the producer immediately. The confidential information required to be reported on the application need only be furnished on the original of each application. (See instructions on form.)

(3) No application need be filed by a branch outlet or distributor through whom an ultimate consumer is ordering abrasive grain, but the War Production Board, when acting on such ultimate consumer's application, will simultaneously grant or deny to such branch outlet or distributor authorization to accept delivery for, and to redeliver to, such ultimate consumer.

(4) Failure by any person to file an application pursuant to the provisions of this paragraph (c) may be construed as notice to the War Production Board that such person does not desire authorization to use, or accept delivery of, manufactured crude abrasive or abrasive grain, as the case may be, in the period of authorization for which such application is required.

(5) Whenever any order for manufactured crude abrasive or abrasive grain, previously authorized on Form WPB 2779 [Form PD-888] (manufacturer crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain), is cancelled, the producer, importer, branch outlet, or distributor, with whom such order was placed, shall immediately notify the War Production Board of such cancellation.

(d) Small grain order exemptions.

(1) After January 1, 1944 any ultimate consumer may accept delivery of not more than 20,000 pounds of all kinds of abrasive grain (other than abrasive optical finishing powders) from all sources in any period of authorization without specific authorization, but he may not accept delivery of more than 4500 pounds of such abrasive grain in any one grit size finer than 220 under this paragraph. Similarly, in the January and February, 1944, period any ultimate consumer may accept delivery of a quantity of abrasive optical finishing powders, the retail sales price of which does not exceed \$100 without specific authorization. Beginning with the March and April, 1944, period, and in all subsequent periods of authorization, the quantity of abrasive optical finishing powders which any ultimate consumer may accept without specific authorization shall not exceed 100 pounds in any authorization period.

(2) Subject to the inventory limitations contained in paragraph (f) of this order, any branch outlet or distributor may accept delivery of abrasive grain for stock to fill small orders therefor, pursuant to paragraph (d) (1) of this order. No specific authorization on Form WPB 2781 [Form PD 886] shall be required for

such branch outlet or distributor to accept delivery of such abrasive grain, but each order for such abrasive grain placed by a branch outlet or distributor with a producer, importer, or another branch outlet, must be accompanied by a certification by such branch outlet or distributor, signed manually, or as provided by Priorities Regulation No. 7, substantially as follows:

The abrasive grain specified on this purchase order is required by the undersigned for stock to fill small orders pursuant to paragraph (d) (1) of Conservation Order M-319, with the terms of which the undersigned is familiar. Delivery of this order will not increase the undersigned's inventory of the specified sizes and types of abrasive grain beyond a supply required under the undersigned's current practices for resale on such small orders during a period of sixty days.

(Name and address of distributor or branch outlet)

By-----
(Authorized signature)

(3) After January 1, 1944, any producer, importer, branch outlet, or distributor, may deliver abrasive grain to fill orders authorized by paragraphs (d) (1) and (d) (2) without specific authorization. However, the total quantity of abrasive grain which any producer or importer may deliver in any period of authorization pursuant to this paragraph (d) (3) shall not exceed the quantity which the War Production Board shall authorize him to deliver on such orders during such period. On or before December 15, 1943, each producer or importer shall apply on Form WPB-2781 (formerly PD-886) for the quantity of abrasive grain which he estimates will be required to fill orders authorized by paragraphs (d) (1) and (d) (2) during January and February, 1944. Similar applications shall be filed by producers and importers by January 15, 1944, for the March and April, 1944, period, and by the 15th day of each alternate succeeding calendar month covering small order requirements for subsequent authorization periods. Special instructions will be furnished to producers and importers by the War Production Board as to the manner in which these applications for grain to fill small orders are to be prepared. Deliveries of orders authorized by paragraphs (d) (1), (d) (2), and (d) (4) shall, so far as practicable, be scheduled evenly throughout each period of authorization without regard to preference ratings in the sequence best suited to maximum production and customers' needs.

(4) Delivery of sample lots of abrasive grain may be made or accepted without specific authorization when the quantity of abrasive grain to be delivered to any person for experimental purposes in any period of authorization does not exceed one keg of any type or size of abrasive

grain if delivery is made to producers of bonded or coated abrasive products as defined in Conservation Order M-319-a or fifty pounds of any type or size of abrasive grain if delivery is made to any person desiring to use the grain as loose grain for blasting or polishing operations, etc. Persons desiring to accept delivery of such abrasive grain shall state on their purchase order that the grain is desired for experimental purposes and shall indicate on the order whether the grain is to be used for bonded or coated abrasive products or is to be used as loose grain. All shipments of abrasive grain made by producers or importers pursuant to this paragraph shall be deducted from the quantity of abrasive grain authorized for delivery against small orders pursuant to paragraph (d) (3).

(5) Until January 1, 1944, deliveries of abrasive grain to fill small orders shall be in accordance with the terms of paragraphs (d) (1), (d) (2), and (d) (3) of Conservation Order M-319 as amended July 29, 1943.

(e) *Necessity for placement of orders.* Beginning January 1, 1944, every person who has been authorized on Form WPB-2781 (formerly PD-886) to accept delivery of abrasive grain must place an order with the authorized supplier named in the approved application as soon as he receives it from the War Production Board. In the event that no order is placed within fourteen days from the date the application was approved by the War Production Board or if the orders which the applicant has placed within that time cover less than the quantity of abrasive grain authorized, the authorization to accept delivery of the quantity of abrasive grain not covered by a purchase order shall be automatically canceled and the authorized supplier who will have received a copy of the original authorization shall immediately notify the War Production Board of the quantity of abrasive grain so canceled, in order that it may be made available for allocation to other consumers.

(f) *Limitation on inventories.* On and after June 1, 1943, no person other than a producer or importer shall purchase or accept delivery of any size and type of abrasive grain if his inventory thereof is or will by virtue of such purchase or acceptance become, greater than the quantity of such size and type of abrasive grain which will be required under his current practices for use or resale during a period of sixty days: *Provided, however,* That the delivery of abrasive grain pursuant to the following designated types of purchase orders shall be permitted to effect such an increase;

(1) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941,

entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Purchase orders placed by the Army, Navy, or Maritime Commission for abrasive grain required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the continental United States.

(3) Any other purchase order specifically excepted from this restriction by the War Production Board.

(g) *Proposed production schedules to be filed.* On or before February 5, 1944, and bi-monthly thereafter on or before the 5th day of each alternate succeeding calendar month, each producer shall file with the War Production Board his proposed schedule of production of manufactured crude abrasive and abrasive grain for the next succeeding two calendar months. Proposed schedules for the production of manufactured crude abrasive shall be filed on Form WPB-2782 (formerly PD-885) in the manner prescribed therein. Proposed schedules for the production of abrasive grain shall be filed on Form WPB-2780 (formerly PD-887) in the manner prescribed therein.

Approved production schedules will be furnished to all producers by the War Production Board for each period of authorization. In the event that a producer finds that the quantity of manufactured crude abrasive or abrasive grain which he is able to produce in any period will vary appreciably from the quantity indicated on his schedule as approved, he shall immediately notify the War Production Board of the amount of increase or decrease in available material and the reasons therefor.

(h) *Other allocation and scheduling directions.* Notwithstanding any other provisions of this order, the War Production Board may at any time:

(1) Direct the return or cancellation of any order for manufactured crude abrasive or abrasive grain;

(2) Direct or change any schedule of production or delivery of manufactured crude abrasive or abrasive grain;

(3) Allocate orders for manufactured crude abrasive or abrasive grain placed with one person to another person;

(4) Revoke any authorization to use or accept delivery of manufactured crude abrasive or abrasive grain, granted pursuant to this order;

(5) Take such other action as it deems necessary with respect to the placing of orders for, or the production, use, or delivery of, manufactured crude abrasive or abrasive grain.

(i) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of manufactured crude abrasive and abrasive grain shall apply not only to deliveries to other persons, including affiliates and

subsidiaries, but also to deliveries from one branch, division, or section, of a single integrated enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(j) *Notification to customers.* Each producer, importer, branch outlet, or distributor shall, as soon as practicable, notify each of his regular customers of the requirements of this order, but failure to give or receive such notice shall not excuse any such person from complying with the terms hereof. All applications required by this order shall be filed by the dates specified herein notwithstanding the dates mentioned on the application forms.

(k) *Reports.* All producers, importers, branch outlets, or distributors, affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time request, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(l) *Applicability of regulations.* All transactions affected by this order are subject to applicable provisions of the regulations of the War Production Board as amended from time to time.

(m) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(o) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Tools Division, Washington 25, D. C. Ref: M-319.

Issued this 15th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

The use of abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size of 80 or coarser for the following purposes is prohibited:

1. Blasting or polishing operations for all stone and monumental work.
2. Lithographic plate graining.
3. Glass grinding, except roughing operations on optical lenses and other precision optics.
4. Hulling operations.
5. Non-slip purposes, including non-slip treads of all kinds, non-slip cement or concrete, phenolic resin non-slip paint, non-slip surfaces for air or watercraft, etc.

[F. R. Doc. 43-19971; Filed, December 15, 1943;
10:54 a. m.]

PART 3302—SERVICE EQUIPMENT¹

[General Limitation Order L-91, as Amended
Dec. 15, 1943]

COMMERCIAL LAUNDRY EQUIPMENT, COMMERCIAL DRY CLEANING EQUIPMENT, AND TAILORS' PRESSING EQUIPMENT

Section 3302.16¹ *General Limitation Order L-91*, as amended July 6, 1943, is amended to read as follows:

§ 3302.16¹ *General Limitation Order L-91*—(a) *What this order does.* This order restricts the production and distribution of certain kinds of laundry equipment, dry cleaning equipment, and tailors' pressing equipment. This equipment is divided into two groups. The order restricts both production and distribution of the first group. Production of equipment in the second group is restricted, but distribution is not.

(b) *What equipment is in the first group.* The first group consists of the following kinds of laundry, dry cleaning and tailors' pressing equipment:

Boards, steam spotting
Conveyors, monorail
Dry cleaning units, naphtha
Dry cleaning units, synthetic
Dryers, garment, hot air
Dryers, hosiery and sock
Dye machines
Extractors (including mechanical unloading)
Forms, collar
Forms, hosiery and sock
Forms, overall
Forms, sleeve
Forms, trouser
Filters, solvent, for drycleaning
Fluffers, handkerchief
Folding machines, automatic
Ironers, collar
Ironers, flatwork
Ironers, handkerchief
Ironer attachments:
Canopies
Feeding devices
Listing machines
Marking machines
Presses
Shakers, flatwork
Shapers, sleeve
Shapers, trouser
Spreaders, flatwork
Stackers, flatwork, automatic
Stackers, handkerchief, automatic
Starch cookers
Starching and extracting machines
Starching machines
Still, vacuum, for drycleaning
Stretchers, trouser
Tables, marking
Tumblers
Washers (except glove)

(c) *What equipment is in the second group.* The second group consists of the following kinds of laundry, dry cleaning, and tailors' pressing equipment:

Blocking machines, garment
Boards, pressing
Boards, pressing, velvet and nap
Boards, shirt folding
Boards, ironing
Boards, spotting, except steam
Boards, steam
Cabinets, deodorizing, drying or sterilizing
Collar shapers
Collar tippers
Conveyors, bag (wet wash)
Conveyors, "go back"
Conveyors, shirt
Cuff cleaners

¹Formerly Part 1174; § 1174.1.

Dampeners, cloth
Dampeners, collar and seam
Dryers, blanket and curtail
Dryers, rug
Dryers, windwhip
Dry rooms, conveyor
Dry rooms, sectional
Dye kettles
Feather sanitizing machines
Finishers, garment
Finishers, sleeve
Fluting machines
Forms, glove
Fur cleaning equipment
Glaziers, fur
Glove cleaning machines
Hangers, revolving shirt
Hatters' equipment
Holders, bag
Holders, net
Irons, puff
Irons, rotary
Irons, steam
Ironers, edger
Ironers, hat crown
Ironers, ruffle
Ironer attachments:
String mark eliminators
Napping machines (carding machines for blanket finishing)
Puffers, steam
Rug cleaning machines (stationary)
Sand bags, hat
Seam cleaners
Shirt envelope machines
Steamers, garment
Steamers, velvet
Sterilizers, feather
Stretchers, blanket and curtain
Stretchers, dress
Tables, steam
Tubs, scrub
Tubs, starch
Tubs, stationary laundry
Washers, glove

(d) *Production of both groups is restricted.* A person may produce the equipment listed in paragraph (b) and (c) only to the extent authorized by this order or by written instructions from the War Production Board.

(e) *Production is permitted to fill U. S. Army and Navy orders.* A person may produce equipment if he builds it according to United States Army or Navy specifications in order to fill a specific United States Army or Navy order. This includes orders placed by prime contractors or subcontractors of the Army or Navy for equipment which will eventually be delivered to the Army or Navy and will be installed under Army or Navy supervision. It does not include any orders placed by any U. S. Army or Marine Corps Post Exchange, or any U. S. Navy or Coast Guard Ship's Service Department. Any person accepting an order for equipment under this paragraph must notify the War Production Board on Form WPB-3012. This reporting requirement has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Production is permitted to fill certain kinds of approved orders.* A person may produce equipment in order to fill a specific order approved for delivery on Form WPB-324 for any of the following persons:

(1) The armed forces and maritime agencies of any foreign government friendly to the United States.

(2) The United States Maritime Commission.

(3) The War Shipping Administration.

(4) Privately owned ordnance plants.

(g) *Assembly is permitted to fill other approved orders.* A person may produce equipment in order to fill a specific order approved for delivery on Form WPB-924 by assembling it from parts completely fabricated before July 1, 1942. He may not make any parts for this purpose.

(h) *Production of repair parts is permitted.* A person may make parts to use or sell for repairing, rebuilding or maintaining equipment.

(i) *Delivery of new equipment in first group is restricted.* A person may deliver new equipment listed in paragraph (b) only in those cases specified in the following paragraphs. There is no restriction on the delivery of secondhand equipment, including rebuilt equipment listed in paragraph (b). The delivery of both new and secondhand equipment listed in paragraph (c) is unrestricted.

(j) *Delivery to the United States Army and Navy is permitted.* A person may deliver new equipment listed in paragraph (b) to the United States Army or the United States Navy. A person may also deliver this equipment to a prime contractor or subcontractor of the Army or Navy, if the equipment will eventually be delivered to the Army or Navy and will be installed under Army or Navy supervision. The terms "Army" and "Navy", as used in this paragraph, do not include any U. S. Army or Marine Corps Post Exchange, or any U. S. Navy or Coast Guard Ship's Service Department.

(k) *Deliveries approved on Form WPB-924 are permitted.* A person may deliver new equipment listed in paragraph (b) to anyone whose order has been approved for delivery on Form WPB-924. Those who wish to secure such approval should make application on Form WPB-924 to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-91. If the War Production Board approves their orders for delivery on Form WPB-924, the approved form must be given to the person making the delivery before the equipment may be delivered. Moreover, if the form is not given to this person within thirty days after the date of official approval, the War Production Board's permission to deliver the equipment automatically expires.

(l) *Deliveries for resale are permitted.* A person may deliver new equipment listed in paragraph (b) to anyone who needs the equipment to fill an order or part of an order approved for delivery on Form WPB-924. A person may also deliver this equipment to anyone who is acquiring the equipment only for resale within the United States (48 states and the District of Columbia).

(m) *Use of equipment by manufacturers or dealers is restricted.* No person who produces equipment for sale or acquires new equipment listed in paragraph (b) for resale may put that equipment into use, unless the War Production Board gives him written permission to do so.

(n) *Emergency repair loans are sometimes permitted.* The War Production

Board will consider written or telegraphic requests for permission to lend equipment listed in paragraph (b) to someone whose own equipment is undergoing emergency repairs. If the War Production Board gives permission in writing, a person may deliver equipment to another person for use while the latter's equipment is being repaired. When the repairs are finished, the borrowed equipment must be returned to the person who lent it. Equipment listed in paragraph (b) is still considered new equipment even though it has been used for repair loans of the sort contemplated by this paragraph, and is still subject to the restrictions of paragraph (i) after it has been returned to the person who lent it.

(o) *Use of metal parts for rebuilding equipment is restricted.* A person may use metal parts, including cast iron, for rebuilding equipment listed in paragraph (b) or paragraph (c) only to the following extent:

A person rebuilding equipment for the United States Army, the United States Navy, the United States Maritime Commission, or the War Shipping Administration, may use metal parts to the extent necessary to meet their specifications. These agencies do not include any U. S. Army or Marine Corps Post Exchange, any U. S. Navy or Coast Guard Ship's Service Department, or any War Shipping Administration Training Organization Ship's Service activity.

A person may also use metal parts in rebuilding a piece of equipment if their total weight will be less than 40 per cent of the total weight of the piece of equipment rebuilt, after the job is finished. A person may use additional metal parts for rebuilding a piece of equipment to the extent specifically authorized by the War Production Board in writing.

(p) *Reports on Form WPB-923 are required monthly.* Before the fifteenth of each month every person in the business of producing equipment listed in paragraph (b) or (c), and every person in the business of selling new equipment listed in paragraph (b) must send to the War Production Board a report on Form WPB-923. This reporting requirement has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Miscellaneous reports.* Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, each person affected by this order must execute and file with the War Production Board whatever reports, information, and answers to questionnaires the War Production Board from time to time requests.

(r) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time, with the exception of Priorities Regulation No. 17.

(s) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is

guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

(t) *Appeals.* Any appeal from this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(u) *Communications to War Production Board.* All reports required by this order, and all communications concerning its provisions should be addressed to: War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-91,

Issued this 15th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19970; Filed, December 15, 1943;
10:54 a. m.]

Chapter XI—Office of Price Administration PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Supplement 1 to Ration Order 16 is redesignated Revised Supplement 1 to Ration Order 16 and is revised to read as follows:

§ 1407.3027 *Revised Supplement 1 to Ration Order 16.* This supplement to Ration Order 16, which is an addition to and a supplement of Ration Order 16 (§ 1407.3026), is hereby issued:

(a) Foods covered by Ration Order 16 shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 9) (OPA Forms R-1313 and 1611) which are made a part hereof.

(b) The wholesaler's allowable inventory factors (referred to in Section 5.6 (b) of Ration Order 16) are as follows:

(1) Fresh and frozen meats.....	15
(2) Shortening, lard, cooking and salad oils, canned meats, and canned fish....	35
(3) All other foods covered by Ration Order 16, including cheese, butter, margarine, sausage, and types of meats not described in (1) or (2) above.....	28

(c) The classes of foods covered by Ration Order 16 (referred to in section 7.5 (a) of that order) and the industrial user allotment factors (referred to in section 7.6 (c) of that order) are as follows:

(1) For the allotment period from October 1, 1943 to December 31, 1943, inclusive:

Class of foods	Factor
(1) Meats:	
(a) Bone in and separated suet.....	3.0
(b) Boned and boneless (and canned meat and canned fish).....	5.1

¹ 8 FR. 3128, 13394, 13980, 14399.

Class of foods

		Factor
(i) Meats—Continued.		
(c) Edible offal (include only hearts, livers, tongues, and sweetbreads)	2.0	
(d) Edible bones	0.0	
(ii) Cheeses:		
(a) American cheese (Cheddar)	4.5	
(b) All other "rationed cheeses"	4.0	
(iii) Fats and oils:		
(a) Butter	9.0	
(b) Margarine	4.0	
(c) Lard	3.0	
(d) Shortening	4.0	
(e) Cooking and salad oils	4.0	

(2) For the allotment period from January 1, 1944 to March 31, 1944, inclusive:

Class of foods	Classes of product or use (on Schedule I of OPA Form R-1200)	Factor
(i) Meats:		
(a) Bone in and separated	All	3.0
(b) Boned and boneless (and canned meat and canned fish)	All	3.1
(c) Hearts, tongues, livers and sweetbreads (pancreas and thymus)	All	2.0
(ii) Cheeses and canned milk:		
(a) Group I, Cheese	All	7.1
(b) Group II, Cheese	All	4.5
(c) Group III, Cheese	All	4.5
(d) Canned milk	All	0.0
(iii) Fats and oils:		
(a) Butter	All	12
(b) Margarine	1, 2, 14, 15, 17, All others	7.2
(c) Lard	1, 2, 14, 15, 17, All others	2.4
(d) Shortening	1, 2, 14, 15, 17, All others	6
(e) Cooking and salad oils	1, 2, 14, 15, 17, All others	5

(d) The following are the foods covered by Ration Order 16, products, and factors (referred to in section 7.13) for provisional allowances:

(1) For the period from January 1, 1944, to March 31, 1944:

Food	Product	Factor
(i) Pork fatbacks	Prepared dry bean products.	1.0
(ii) Pork plates	Prepared dry bean products.	1.0
(iii) Pork fowls	Prepared dry bean products.	1.0

(e) The following are the periods (referred to in sections 2.3 (b) and 10.4 (g) of Ration Order 16) during which stamps may be used by consumers:

Time when stamps may be used (inclusive)

Brown stamps lettered:

A	Sept. 12, 1943, to Oct. 2, 1943.
B	Sept. 19, 1943, to Oct. 2, 1943.
C	Sept. 26, 1943, to Oct. 30, 1943.
D	Oct. 3, 1943, to Oct. 30, 1943.
E	Oct. 10, 1943, to Oct. 30, 1943.
F	Oct. 17, 1943, to Oct. 30, 1943.
G	Oct. 24, 1943, to Dec. 4, 1943.
H	Oct. 31, 1943, to Dec. 4, 1943.
J	Nov. 7, 1943, to Dec. 4, 1943.
K	Nov. 14, 1943, to Dec. 4, 1943.
L	Nov. 21, 1943, to Jan. 1, 1944.
M	Nov. 28, 1943, to Jan. 1, 1944.
N	Dec. 5, 1943, to Jan. 1, 1944.
P	Dec. 12, 1943, to Jan. 1, 1944.
Q	Dec. 19, 1943, to Jan. 1, 1944.
R	Dec. 26, 1943, to Jan. 29, 1944.
S	Jan. 2, 1944, to Jan. 29, 1944.
T	Jan. 9, 1944, to Jan. 29, 1944.
U	Jan. 16, 1944, to Jan. 29, 1944.

This supplement shall become effective at 12: 01 a. m., December 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18956; Filed, December 14, 1943; 4:46 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [SR 1 to GMFR for Hawaii¹]

EXCLUDING CERTAIN SALES AND DELIVERIES BY GOVERNMENT AGENCIES

A statement of the considerations involved in the issuance of this Supplementary Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in that statement, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and pursuant to the provisions of section 4 of the General Maximum Price Regulation for the Territory of Hawaii, Supplementary Regulation No. 1 is hereby issued.

§ 1418.154 *Exception of sales by government agencies.* (a) The provisions of the General Maximum Price Regulation for the Territory of Hawaii shall not be applicable to any scrap, waste, damaged or used materials or commodities sold, delivered or transferred by the War Department, the Department of the Navy of the United States, or the Procurement Division, Treasury Department.

This supplementary regulation shall become effective as of November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18958; Filed, December 14, 1943; 4:46 p. m.]

PART 1420—BREWERY AND DISTILLERY PRODUCTS

[MPR 259,² Amdt. 3]

DOMESTIC MALT BEVERAGES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

² 8 F.R. 5307, 6362.

¹ 7 F.R. 8950, 9495, 9621; § F.R. 10302.

Maximum Price Regulation No. 259 is amended in the following respects:

1. Section 1420.57 is amended by adding immediately below subparagraph (2) the following:

"Quality" of a domestic malt beverage as used in this section is determined by the grade and proportion of the ingredients used and by the brewing process employed.

2. Section 1420.59 is amended to read as follows:

§ 1420.59 *Determination of similarity.*

A seller's selection of a similar domestic malt beverage, for purposes of § 1420.66 (h), of his own or of his most closely competitive seller's manufacture shall include, but shall not be restricted to, considerations of similarity of (a) class and type ("beer," "lager beer," "ale," "porter," "stout," or any other class or type designation commonly applied to malt beverages) as recognized under the provisions of section 24 of Regulations No. 7, as amended, issued by the Federal Alcohol Administration, Treasury Department; (b) brewing process and types, grades, quantities and proportions of ingredients, without material variation; (c) advertising history, trade usage and public acquaintance; and (d) price line in which the domestic malt beverage being priced would have normally sold during the applicable base period.

3. Item 2 under subdivision (a) of § 1420.66 (h) (1) (ii) is amended to read as follows:

2. Maximum price which applicant seeks to establish for new item _____ per (specify unit) _____ Total raw material costs _____ per (specify same unit) _____ as of (specify date) _____

4. Item 3 under subdivision (a) of § 1420.66 (h) (1) (ii) is amended to read as follows:

3. For all other domestic malt beverages manufactured and sold by applicant during the base periods, October 1 to 15, 1941, inclusive, or March 1942, and those brands newly manufactured and sold, but discontinued, between these two base periods, give: Brand name and description _____

Total raw material costs _____ per (same unit as given in 2) _____ Maximum price _____ per (same unit as given in 2) _____ as of (same date as given in 2) _____

This amendment shall become effective December 20, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18959; Filed, December 14, 1943; 4:45 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289, 1st Amdt. 25]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.1520 is amended to read as follows:

§ 1351.1520 *Maximum price for butter*—(a) *Bulk butter*—(1) *Definition*. "Bulk butter" means unprinted butter packed solid in unused fibre or corrugated boxes furnished by the seller.

(2) *Sales by a creamery or manufacturer of butter*. The maximum price for any of the following sales of bulk butter by a creamery or manufacturer of butter shall be as set forth in the following subdivisions (i) to (xii) inclusive, of this subparagraph: A sale to any purchaser on the basis of f. o. b. the creamery or place of manufacture; a sale for delivery to a primary distributor, jobber, or retailer distributing warehouse; a sale in carload lots to any purchaser or combination of purchasers. Any sale by any person on the basis of f. o. b. the creamery or place of manufacture shall be deemed a sale by a creamery and the maximum price for such sale shall be as set forth in the following subdivisions (i) to (xii) inclusive, of this subparagraph.

(i) The maximum price for bulk butter of the following scores or grades delivered in the cities of Chicago (and all of Cook County Illinois), New York and San Francisco shall be as follows:

TABLE A

	Chicago	New York	San Francisco
	Cents per lb.	Cents per lb.	Cents per lb.
U. S. grade AA or U. S. 93 score.....	41½	42½	43
U. S. grade A or U. S. 92 score.....	41	41½	42½
U. S. grade B or U. S. 90 score.....	40¾	41¼	42¼
U. S. grade C or U. S. 89 score.....	40¼	41	41¾
U. S. cooking grade.....	39	39¾	40½
No grade.....	35	35½	36½

(ii) The maximum price for any particular score or grade of bulk butter delivered at any place east of a line running south from the Canadian Border along the eastern shore of Lake Michigan, the Illinois-Indiana State Line, the Illinois-Kentucky State line, and south along the eastern bank of the Mississippi River to the state of Louisiana state line to the Gulf of Mexico, shall be the maximum price in Chicago for that particular score or grade of butter, as stated in Table A above, plus the lowest published railroad car lot freight rate per lb. gross weight from Chicago to the place of delivery with no adjustment allowed for tare or icing.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3253, 3327, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 7593, 8276, 8751, 9380, 9229, 10667, 11245.

(a) *Provided, however*, That any place in the states of Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, and the District of Columbia, the maximum price shall not exceed the maximum price in New York City for that particular score or grade of butter as stated in Table A above.

(iii) The maximum price for any particular score or grade of bulk butter delivered at any place in Minnesota, Wisconsin, the upper peninsula of Michigan, Iowa, Missouri, and Illinois (except the city of Chicago and Cook County) shall be the maximum price in New York City for such score or grade of butter, as stated in Table A above, less transportation charges from that place to New York City. Transportation charges shall be the lowest published railroad car lot freight rate per pound, gross weight, from that place to New York City times 1.15.

(iv) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of Oregon or in the following counties of Washington: Whatcom, Skagit, San Juan, Island, Snohomish, King, Kitsap, Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pierce, Lewis, Pacific, Wahkiakum, Cowlitz, Clark, Skamania and Klickitat shall be as follows:

	Cents per lb.
U. S. Grade AA or U. S. 93 score.....	42¾
U. S. Grade A or U. S. 92 score.....	42¼
U. S. Grade B or U. S. 90 score.....	42
U. S. Grade C or U. S. 89 score.....	41½
U. S. Cooking Grade.....	40¼
No Grade.....	36¼

(v) The maximum price for any particular score or grade of bulk butter delivered at any place in the states of California, Nevada, and Arizona, shall be as follows:

	Cents per lb.
U. S. Grade AA or U. S. 93 score.....	43
U. S. Grade A or U. S. 92 score.....	42½
U. S. Grade B or U. S. 90 score.....	42¼
U. S. Grade C or U. S. 89 score.....	41¾
U. S. Cooking Grade.....	40½
No Grade.....	36½

(vi) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of Arkansas and at Fort Worth and Dallas, Texas, shall be as follows:

	Cents per lb.
U. S. Grade AA or U. S. 93 score.....	41½
U. S. Grade A or U. S. 92 score.....	41
U. S. Grade B or U. S. 90 score.....	40¾
U. S. Grade C or U. S. 89 score.....	40¼
U. S. Cooking Grade.....	39
No Grade.....	35

(vii) The maximum price for any particular score or grade of bulk butter delivered at any place in Louisiana or at any place in Texas except that area lying north of the line formed by the southern boundaries of the following counties: Andrews, Martin, Howard, Mitchell, Noland, Taylor, Callahan, Eastland, Palo Pinto, Parker, Wise, Denton, Collin, Lamar, Fannin, and Red River, shall be the maximum price for that particular score or grade stated in foregoing subdivision (vi) of this sub-

paragraph plus transportation charges from Fort Worth, Texas to that place. Transportation charges shall be the lowest published railroad car lot freight rate per pound, gross weight, from Fort Worth to that place times 1.15.

(viii) The maximum price for any particular score or grade of bulk butter delivered at any place in the following counties of the state of Washington: Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Douglas, Chelan, Kittitas, Adams, Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Benton and Yakima; or in the following counties in the state of Idaho: Boundary, Bonner, Kootenai, Benew, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho; or in the following counties in the state of Montana: Toole, Pondera, Teton, Cascade, Lewis and Clark, Jefferson, Silver Bow, Beaverhead, Glacier, Flathead, Lincoln, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Deer Lodge; shall be the maximum price for that particular score or grade in Table B of this subdivision minus transportation charges from that place to Seattle, Washington. Transportation charges shall be the lowest public railroad car lot freight rate gross weight from that place to Seattle times 1.15:

TABLE B

	Cents per lb.
U. S. Grade AA or U. S. 93 score.....	43
U. S. Grade A or U. S. 92 score.....	42½
U. S. Grade B or U. S. 90 score.....	42¼
U. S. Grade C or U. S. 89 score.....	41¾
U. S. Cooking Grade.....	40½
No Grade.....	36½

(ix) The maximum price for any particular score or grade of bulk butter delivered at any place in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Utah, that part of Texas not included in the foregoing subdivision (vii) of this subparagraph, and that part of Montana and Idaho not included in the foregoing subdivision (viii) of this subparagraph shall be the maximum price for that particular score or grade in San Francisco, as stated in Table A above, less transportation charges from that place to San Francisco. Transportation charges shall be the lowest published railroad car lot freight rate per pound, gross weight, from that place to San Francisco, times 1.15.

(x) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of New Mexico, in the counties of Carbon, Albany and Laramie in the state of Wyoming, or in the state of Colorado, except in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca shall be as follows:

	Cents per lb.
U. S. Grade AA or U. S. 93 score.....	41¾
U. S. Grade A or U. S. 92 score.....	41¼
U. S. Grade B or U. S. 90 score.....	41
U. S. C or U. S. 89 score.....	40½
U. S. Cooking Grade.....	39¼
No Grade.....	35½

(xi) The maximum price for any particular score or grade of bulk butter de-

livered at any place in the counties of Uinta, Lincoln, and Sweetwater in the state of Wyoming, shall be as follows:

	Cents per lb.
U. S. Grade AA or U. S. 93 score.....	42½
U. S. Grade A or U. S. 92 score.....	41¾
U. S. Grade B or U. S. 90 score.....	41½
U. S. Grade C or U. S. 89 score.....	41
U. S. Cooking Grade.....	39¾
No Grade.....	35¾

(xii) The maximum price for any particular score or grade of bulk butter delivered at any place in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca in the state of Colorado, and at any place in the state of Wyoming except in the counties of Uinta, Lincoln, Sweetwater, Carbon, Albany, and Laramie shall be as follows:

	Cents per lb.
U. S. Grade AA or U. S. 93 score.....	41¾
U. S. Grade A or U. S. 92 score.....	40¾
U. S. Grade B or U. S. 90 score.....	40½
U. S. Grade C or U. S. 89 score.....	40
U. S. Cooking grade.....	38¾
No Grade.....	34¾

(xiii) The maximum prices established in the foregoing subdivisions (i) to (xii) inclusive, of this subparagraph, are for sales of bulk butter delivered to the purchaser at any place. Bulk butter sold f. o. b. any point shall be considered "delivered" to the purchaser at that place.

(xiv) The maximum prices established in the foregoing subdivisions (i) to (xii) inclusive of this subparagraph are for sales of bulk butter packed solid in new fibre or corrugated boxes furnished by the seller. When unprinted butter is packed in the following containers, the following deductions must be made from the maximum prices established in subdivisions (i) to (xii) inclusive, of this subparagraph:

- ½¢ per lb. for used or reconditioned boxes.
- ¾¢ per lb. for parchment lined Kraft paper bags in a wire container.

When unprinted butter is packed in the following containers, the following additions may be made to the maximum prices established in subdivisions (i) to (xii) inclusive, of this subparagraph:

- ½¢ unused wooden tubs.
- ¾¢ used or reconditioned wooden tubs.

(3) *Sales by a primary distributor*—(i) *Definition.* A "primary distributor" is a person who customarily buys and physically receives butter from a creamery or manufacturer of butter and who sells to other primary distributors, to jobbers, retailer distributing warehouses, non-federal governmental users, or to commercial, institutional, or industrial users. A branch warehouse of a creamery or manufacturer of butter shall be deemed a primary distributor if such branch warehouse is located in a town or city other than the town or city in which the butter sold by it is manufactured.

(ii) The maximum price for the sale of any particular score or grade of bulk butter by a primary distributor delivered to the purchaser at any place shall be the maximum price for "sales by a creamery"

of that particular score or grade in that place established in subparagraph (2) of this paragraph, plus ½¢ per pound.

(4) *Sales by a jobber*—(i) *Definition.* A "jobber" means anyone who sells to, and makes delivery to the physical premises of, an individual retail store, a non-federal government user (such as a state or municipal hospital), an individual commercial user (such as a restaurant, hotel, or club), an individual institutional user (such as a hospital or school), or an individual industrial user (such as a baker or other food processor who uses butter in his manufacturing process). No one shall be deemed a jobber unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchaser are located.

(ii) No sale shall be deemed a sale by a jobber within the meaning of this subparagraph unless delivery is made to the physical premises of a purchaser designated in subdivision (i) of this subparagraph.

(iii) The maximum price for the sale of any particular score or grade of bulk butter in any place by a jobber shall be the maximum price for "sales by a creamery" of that particular score or grade in that place as established in subparagraph (2) of this paragraph, plus the following allowances:

- 2¢ per lb. for deliveries of 1-1,500 lbs. inclusive.
- ¾¢ per lb. for deliveries of over 1500 lbs. but not over 5,000 lbs.

Provided, however, That these allowances shall not apply to sales and deliveries of quantities of 32 lbs. or less to any retail store which is classified in Group 1 under Maximum Price Regulation No. 422 or to any commercial user (such as a restaurant, hotel, or club). For any such sale and delivery the allowance shall be 2½¢ per lb. (A Group 1 retail store is any independent retail store having a gross sales volume during 1942 of less than \$50,000).

(iv) The maximum prices established in subdivision (iii) of this subparagraph shall not apply to any sale by a creamery, butter manufacturer, or association of creameries or butter manufacturers to any purchaser whose physical premises are located at a point east of the 99th meridian and more than fifty miles from the place where the creamery or butter manufactory is located where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. The maximum prices established in subdivision (iii) of this subparagraph shall not apply to any sale by a creamery, butter manufacturer, or association of creameries or butter manufacturers to any purchaser whose physical premises are located at a point west of the 99th meridian and more than 100 miles from the place where the creamery or butter manufactory is located where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the maximum

price in that place for a "sale by a creamery" of the particular score or grade of butter sold as established in paragraph (a) (2) of this section plus the exact sum paid by the creamery, manufacturer or association to the agent, commission salesman, and/or trucking or hauling agent or contractor for making the sale and delivery to the purchaser: *Provided, however,* That in no case may the sum which may be added for such sale and delivery exceed the appropriate allowance established in subdivision (iii) of this subparagraph for the quantity sold and delivered.

(5) *Particular sales not already provided for.* (i) The maximum price for sales of bulk butter to individual retail stores, nonfederal governmental users, or to individual commercial, institutional, or industrial users where the quantity sold is over 5,000 pounds or where delivery is not made to the physical premises of the individual retail store, non-federal governmental user, commercial user, industrial user, or institutional user, shall be determined in accordance with the provisions of paragraph (a) (3) of this section establishing maximum prices for "sales by a primary distributor": *Provided, however,* That for any such sales the seller must qualify as a "primary distributor" within the meaning of paragraph (a) (3) (i) in order to obtain the maximum price established for "sales by a primary distributor" by paragraph (a) (3) (ii). If a seller does not so qualify, the maximum price for any sale described in this subdivision of this subparagraph (5) made by him shall be determined in accordance with paragraph (a) (2) of this section establishing maximum prices of "sales by a creamery."

(ii) *Provided, however,* That subdivision (i) of this subparagraph (5) shall in no case apply to any sale by anyone made on the basis of f. o. b. the creamery or place of manufacture, or to any sale by a creamery or manufacturer of butter to any purchaser or combination of purchasers in carload lots.

(6) *Sales to the United States Government.* (i) The maximum price for the sale of any particular score or grade of bulk butter in any place to the United States Government or any agency thereof shall be determined in accordance with paragraph (a) (2) of this section establishing maximum prices for "sales by a creamery."

(ii) *Provided, however,* That this maximum price for sales to the United States Government or any agency thereof may be increased by the following amounts where a sale is made to, and delivery made to the physical location of, an individual military or naval establishment, or a federal hospital, school, or penal institution:

- 2¢ per lb. for deliveries of 1-1,500 lbs. inclusive.
- ¾¢ per lb. for deliveries of over 1500 lbs. but not over 5,000 lbs.

However, where delivery is not made to the physical location of the purchaser, or where the sale is of a quantity greater than 5,000 lbs., no amount may be added

to the maximum price established in subdivision (1) of this subparagraph.

(7) *Sales by ship suppliers to ship operators.* For a period of sixty (60) days from December 6, 1943, the maximum price for the sale and delivery of any particular score or grade of bulk butter in any place by a ship supplier, who has been licensed pursuant to Food Distribution Regulation No. 3, to any vessel for use and consumption aboard such vessel shall be the maximum price for "sales by a creamery" of that particular score or grade in that place, as established by subdivision (1) to (xii) inclusive of subparagraph (2) of this paragraph, plus the following allowances:

- 2¼¢ per lb. for deliveries of 1 to 200 lbs. inclusive.
- 2½¢ per lb. for deliveries of over 200 lbs. but not over 500 lbs.
- 2¼¢ per lb. for deliveries of over 500 lbs. but not over 1,500 lbs.
- 1½¢ per lb. for deliveries of over 1,500 lbs. but not over 5,000 lbs.
- 1¼¢ per lb. for deliveries of over 5,000 lbs. but less than 20,000 lbs.
- 1¢ per lb. for deliveries of 20,000 lbs. or more.

(b) *Butter in prints or packages—(1) Maximum prices.* (i) The maximum price for the sale of any particular score or grade of butter in prints or cartons delivered at any place shall be the maximum price for bulk butter of that score or grade in that place by that type of seller to that type of purchaser, as determinable from the provisions of paragraph (a) of this section, plus the appropriate following sum:

TABLE C

- 1¼¢ per lb. for ½ lb. or 1 lb. prints or rolls, individually wrapped in parchment.
- 1¼¢ per lb. for ½ lb. or 1 lb. prints in cartons.
- 1½¢ per lb. for ¼ lb. prints individually wrapped in parchment.
- 2¢ per lb. for ¼ lb. prints in cartons.
- 3¢ per lb. for butterettes, chiplets or similar types of restaurant cut butter.
- 1¢ per lb. for all other packages designed for use by householders.

The above prices are for butter in prints or cartons packed in unused fibre or corrugated boxes.

(ii) For any butter in prints or cartons packed in the following containers, the following deductions must be made from the maximum prices established in paragraph (b) (1) (i) above.

- ½¢ per lb. for used or reconditioned boxes.
- ½¢ per lb. for parchment lined Kraft paper bags in a wire container.

(2) *Use by creamery of printing equipment of another.* Regardless of any contract, agreement or other obligation, any creamery or manufacturer of butter who prints or cartons butter on equipment rented, leased or as to which it has a license to use shall not sell such printed or cartoned butter to any person at a price higher than the maximum price established by paragraph (a) of this section for sales of bulk butter by creameries or manufacturers of butter plus the exact cost of printing or cartoning, not to exceed in any event the allowance established in Table C for the

particular print and/or carton sold. This section shall apply to a lease, rental or license heretofore or hereafter made or obtained whether directly by the creamery or manufacturer of butter or indirectly through an agent or association or by any other means.

(3) *Custom printing for creameries.* Regardless of any contract, agreement, or other obligation, any creamery or manufacturer of butter who either directly or indirectly through an agent or association has another person print or carton butter manufactured by it may not sell such printed or cartoned butter to any person at a price higher than the maximum price established by paragraph (a) of this section for sales of bulk butter by creameries or manufacturers of butter to such persons plus the exact sum paid by the creamery or manufacturer for such printing and cartoning: *Provided, however,* That in no case may the sum which may be added exceed the appropriate allowance for printing or cartoning established in Table C of this section.

(4) *Packaging in barrels for export.* The maximum price in any place for the sale, for shipment beyond the shores of the continental United States, of any particular score or grade of butter in the form of one pound prints or rolls parchment wrapped and immersed in salt brine in paraffined barrels lined with a cotton bag, shall be the maximum price for that score or grade established by paragraph (a) of this section for that particular sale, plus the appropriate following sum:

Barrels containing;	Cents per pound
Not over 30 lbs.-----	8
Over 30 lbs. but not over 50 lbs.-----	7¼
Over 50 lbs. but not over 60 lbs.-----	6¾
Over 60 lbs. but not over 100 lbs.-----	6¼
Over 100 lbs. but not over 112 lbs.-----	6
Over 112 lbs.-----	5¾

(c) *Sales at retail by retail route-seller—(1) Definition.* A "retail route-seller" is a person who customarily makes sales of butter directly from a truck or wagon operated by a driver-salesman over a regular route. A "retail route-seller" shall include a dairy company operating delivery routes through driver-salesmen, but shall not include a grocery store or meat market which delivers butter.

(2) *Maximum price.* The maximum price for any particular score or grade and form of butter sold at retail in any place by a retail route-seller shall be the maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section, plus the appropriate sum for that particular form as determinable from the provisions of Table C of paragraph (b) of this section plus an allowance for making retail sales on retail routes. This allowance shall be determined and established for any particular community by the regional administrator of the Office of Price Administration in whose jurisdiction the community lies. Such regional administrators are hereby authorized to establish for the several communities within their jurisdictions appropriate

allowances for making sales at retail over retail routes, not to exceed in any event 8 cents per pound. Until such time as the respective regional administrators have established for any community within their respective jurisdiction specific allowances for sales at retail by retail route-sellers, the allowance which may be added for that function shall be 7¢ per pound.

(d) *Sales at retail by a creamery or manufacturer of butter.* (1) The maximum price for any particular score or grade and form of butter sold at retail in any place by a creamery or manufacturer of butter shall be the maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section, plus the appropriate sum from Table B of this section for that particular form, plus 6¢ per pound.

(2) For the purposes of this paragraph, no sale of butter to a purchaser in excess of 2 pounds shall be considered a sale at retail.

(e) *Maximum prices for any sale not provided for.* (1) The maximum price for the sale of any particular score or grade of butter by any person to another for which a maximum price has not been established by the foregoing paragraphs shall be:

(i) The maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section if such butter is in bulk.

(ii) The maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section plus the appropriate sum designated in Table B of paragraph (b) (1) of this section if such butter is in prints or packages.

(f) *Maximum price in places not on railroad line or siding.* The maximum price for any sale of butter by any person to a purchaser in any place not located on a railroad line or siding shall be the maximum price established by the provisions of this section for a sale by such person to a purchaser of the same type in that closest place which is located on a railroad line or siding and which is in the same area, as determinable from the provisions of subdivisions (i) to (xii) inclusive, of paragraph (a) (2) of this section.

(g) *Reference to Food Distribution Order No. 2.* The Dairy Products Marketing Association shall be considered an agency of the United States Government for purposes of purchasing butter set aside by a creamery for sale to the United States Government. The Dairy Products Marketing Association or any other agency of the United States Government may compensate any "authorized receiver" of butter for services rendered in assembling unprinted butter in an amount not to exceed ½ cent per pound for each pound of butter assembled. An "authorized receiver" for the purposes of this paragraph means an authorized receiver as defined in Food Distribution Order No. 2 issued by the

Food Distribution Administration of the United States Department of Agriculture.

(h) *Process butter*—(1) *Definition*. "Process butter" is butter, as defined in Bureau of Dairy Industry Order No. 1 Revised, issued December 24, 1936 by the United States Department of Agriculture, which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter. It does not include adulterated butter as defined in section 4 of the act of May 9, 1902 (32 Stat. 195).

(2) The maximum price for any sale of process butter shall be determined in accordance with the appropriate provisions of this section establishing a maximum price for sales of butter of "no grade."

(i) *Calculations*. (1) In calculating transportation charges referred to in the foregoing paragraphs, the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall not be included. All calculations of transportation charges shall be made on a cents per lb. basis and shall be carried to the second decimal point.

(2) All maximum prices for butter of any score or grade or form shall be calculated as follows: In sales of quantities of 1 lb. or less, the fractional price per lb. shall be adjusted to the nearest cent, or the next higher cent where the fractional price is $\frac{1}{2}\text{c}$. In multiple pound sales, the fractional price per lb. shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with the fraction of $\frac{1}{2}\text{c}$. Sales at retail by retail route-sellers shall be deemed multiple pound sales unless separate collections are made for each single delivery of 1 lb. or less.

(j) *Special provisions for records and reports*. The provisions of § 1351.1505 of this regulation shall apply to all sales of butter except sales at retail by creameries, manufacturers of butter, or retail route-sellers. Any retail route-seller or creamery or manufacturer of butter selling at retail which has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so, and upon request from a purchaser, regardless of previous custom shall give the purchaser such a receipt. This receipt shall state those facts required by § 1351.1505 of this regulation to be stated on an invoice.

(k) *Exempt sales*—(1) *Sales at retail*. The provisions of this section shall not be applicable to sales of butter at retail except as provided above in paragraphs (c) and (d) of this section with respect to sales and deliveries at retail by route-sellers and sales at retail by creameries or manufacturers of butter.

(2) The sales exempted under subparagraph (1) of this paragraph are in addition to the sales exempted by the application of certain provisions of the General Maximum Price Regulation as provided in § 1351.1511 hereof.

(l) *Definitions*—(1) *Butter*. "Butter" means the food product, commonly known as butter, which is made exclu-

sively from milk or cream, or both, with or without the addition of common salt or coloring matter, and containing not less than 80% by weight of milk fat, all tolerance being allowed for. Such percentage of milk fat requirement shall equal that determined by the method prescribed in official and tentative methods of analysis of the Association of Official Agricultural Chemists, 5th edition, 1940:

(2) *Score or grade of butter*. "Score or grade of butter" means the quality of butter determined in accordance with the Official United States Standards for U. S. Grades of Creamery Butter issued in January 1943 by the United States Department of Agriculture and effective February 1, 1943.

(3) *Form of butter*. "Form of butter" means the form in which it is sold and delivered, namely, bulk, prints, or packages.

(4) *Place*. "Place" means any city, town, village, or hamlet in the United States.

(5) *Retailer distributing warehouse*. A "retailer distributing warehouse" is a place where butter is received and held for distribution to retail stores, or retail route-sellers. Chain store warehouses, retailer owned cooperative warehouses, and dairy companies operating retail routes or retail stores are included within the meaning of "retailer distributing warehouses."

This amendment shall become effective December 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19355; Filed, December 14, 1943;
4:44 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 1 to Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

The Official Tables of Point Values referred to in § 1407.3027 (a) are amended as follows:

1. On the Official Table of Consumer Point Values for Meat, Fats, Fish, and Dairy Products:

a. The parenthetical phrase under "Creamed Cottage cheese" under "Cheeses—Group II" under the classification "Fats, Oils, and Dairy Products" is amended to read as follows: "(Containing more than 5 per cent butterfat)."

b. The definition of rationed cheeses contained in the box under the Table of Point Values for Pre-packaged Cheese and Canned Milk, is amended by inserting "Creamed Cottage cheese containing 5 per cent or less butterfat," in the second

sentence between the words "cottage cheese," and "whey products".

2. On the Official Table of Trade Point Values for Meat, Fats, Fish, and Dairy Products, the parenthetical phrase following "Creamed Cottage cheese" under "Cheeses—Group II" under "Section C—Fats, Oils, and Dairy Products", is amended to read as follows: "(Containing more than 5 per cent butterfat)."

This amendment shall become effective at 12:01 a. m., December 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19357; Filed, December 14, 1943;
4:45 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 7, Amdt. 6]

METHOD OF SURRENDER AND DEPOSIT OF RATION STAMPS AND COUPONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 7 is amended in the following respects:

1. Section 1.2 (a) (4) is redesignated section 1.2 (a) (6) and amended to read as follows:

(6) Any envelope used for enclosing 2,000, 5,000, or 10,000 stamps must be of 24 substance Kraft stock or its equivalent.

2. A new section 1.2 (a) (4) is added to read as follows:

(4) He may enclose exactly 10,000 special shoe stamps and "aeroplane" stamps from War Ration Book No. 3 in any sealed envelope he supplies, if it is approximately nine (9) inches by twelve (12) inches in size.

3. A new section 1.2 (a) (5) is added to read as follows:

(5) He may enclose exactly 10,000 ration coupons issued under Ration Order 13 and green stamps from War Ration Book Four in any sealed envelope he supplies, if it is approximately nine (9) inches by twelve (12) inches in size.

4. Section 1.2 (c) is amended by adding after the first sentence a new sentence to read as follows:

Stamps from War Ration Book One may not be enclosed in the same envelope with stamps from War Ration Book

*Copies may be obtained from the Office of Price Administration.

18 F.R. 2253, 2397, 4240, 6365, 11732, 16279.

18 F.R. 3591, 3714, 4692, 5403, 5769, 6840, 7264, 7492, 8669, 9203, 10090, 10728, 11693, 12299, 12444, 12549, 13164, 13165.

No. 3, and stamps from War Ration Book Two or from War Ration Book No. 3 may not be enclosed in the same envelope with stamps from War Ration Book Four.

5. The last sentence of section 1.2 (c) is amended by adding the words "or coupons" immediately after the words "loose stamps".

This amendment shall become effective December 20, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB, Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19993; Filed, December 15, 1943;
11:58 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 11,¹ Amdt. 9]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 5.5 is amended to read as follows:

SEC. 5.5 *Certain sugar uses not covered.* (a) The provisions of this order do not apply to the use of sugar:

- (1) Obtained as a provisional allowance; or
- (2) For the manufacture of condensed milk to be packaged in containers holding more than one gallon; or
- (3) For the manufacture of jams, jellies, fruit butters, marmalades, or preserves.

This amendment shall become effective December 20, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19994; Filed, December 15, 1943;
11:58 a. m.]

*Copies may be obtained from the Office of Price Administration.

¹8 F.R. 9008, 9625, 10419, 11671, 12558, 12711, 13171.

PART 1305—ADMINISTRATION

[Gen. RO 16]

RE-REGISTRATION OF INDUSTRIAL USERS

§ 1305.213 *Re-registration of industrial users of rationed foods.* Under the authority vested in the Administrator by Executive Orders 9125 and 9280, issued by the President on April 7, 1942, and December 5, 1942, respectively, Directive No. 1, issued by the War Production Board on January 24, 1942, and Supplementary Directives thereto and Food Directives Nos. 1, 3, 5, 6, and 7, issued by the Secretary of Agriculture, General Ration Order 16 (Re-registration of Industrial Users), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1305.213 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471.

GENERAL RATION ORDER 16—RE-REGISTRATION OF INDUSTRIAL USERS

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SECTION 1. *Industrial users who are already registered must re-register between December 15, 1943, and January 5, 1944.*

(a) Each industrial user of foods covered by Ration Order 13, Ration Order 16, or Rationing Order No. 3 (called "rationed foods"), whose industrial user establishment is already registered under one or more of those orders, must re-register his establishment, on OPA Form R-1200, with the Office of Price Administration, at any time from December 15, 1943 to January 5, 1944, inclusive.

(b) If he has more than one industrial user establishment, he must either register each establishment separately or all of them together. (If he has more than one industrial user establishment, and registers them separately, each of those establishments must be treated and operated separately, in accordance with the several food ration orders just as though the establishments were owned by different persons. If he registers them together, they must be treated as

a unit in accordance with the several food ration orders.)

(c) A person who wishes to make an industrial use of a rationed food and who is not already registered under the ration order covering that food, may not register with respect to that food under this order, but must apply for permission to register his establishment under the provisions of the ration order covering that food.

SEC. 2. *Registration is filed at board.*

(a) The registration form (OPA Form R-1200) must be filed, in duplicate, in person or by mail, with the board for the place where his industrial user establishment is located (unless otherwise specifically authorized by the Office of Price Administration). If an industrial user has more than one industrial user establishment and registers them together, the registration form must be filed with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board where it is located. The form must be completed and signed by the industrial user or his authorized agent. Industrial users must give all the information called for by the form. In addition, if an industrial user registers any establishment with a different board from the one with which it was previously registered for its use of any rationed food, the industrial user must attach to the registration form a statement giving the address of the board with which it was previously registered, and the rationed foods for which it was registered with that board.

(b) If an industrial user has or is chargeable with excess inventory at the time he re-registers on OPA Form R-1200, the amount of that excess must be entered on the form at the time he re-registers. If he has more than one industrial user establishment, and registers them separately, he may allocate any such excess inventory among his establishments in any way he wishes. However, if an industrial user has more than one establishment which he registers separately, he must also file with the board for the place where his principal business office is located, a statement of his total excess inventory of rationed foods and the amount allocated to each of his establishments. The statement must be signed by the industrial user or his authorized agent.

(c) If the form is filed by mail, it is considered filed on time if the envelope is postmarked on or before January 5, 1944.

(d) Each industrial user must keep a copy of his re-registration (on OPA Form R-1200). If he has more than one establishment which he registers together, the copy must be kept at his principal business office; otherwise it must be kept at the establishment covered by it.

SEC. 3. *Industrial users must describe their use of rationed foods—(a) Uses for which provisional allowance is granted.* An industrial user who is entitled to re-

ceive a provisional allowance for one or more of his uses of rationed foods must specify on Schedule I of OPA Form R-1200 each such product or operation in which he uses rationed foods.

(b) *Class of product or use.* If an industrial user uses rationed foods for any purpose other than one for which he is entitled to receive a provisional allowance, he must indicate on Schedule I of OPA Form R-1200 for which of the following classes of products or uses he uses such foods:

1. Bread and other bakery products.
2. Baking mixes, including batters.
3. Breakfast cereals; and cereal paste products such as spaghetti and macaroni.
4. Ice cream; ices; sherbets; frozen custards; and mixes used for these purposes.
5. Condensed milk in containers of one gallon or less; cheese; other dairy products not included in other items; frozen eggs; and sugared egg yolks.
6. Bottled beverages (alcoholic and non-alcoholic): flavoring and coloring extracts; fountain syrups; drink mixes; branded fruits; maraschino cherries; fountain fruits; pickled fruits and vegetables; relishes.
7. Mayonnaise and salad dressing.
8. Products fried in fat (except bakery products) such as nuts, potato chips.
9. Candy; chocolate; cocoa; chewing gum.
10. Sandwiches.
11. Dehydrated and dried soup and soup mixes.
12. Canned and bottled foods (not included in other items); table syrups.
13. Experimental, educational, demonstration and testing purposes.
14. Pharmaceuticals (internal); allergy foods; vitamin oils; cough drops.
15. Pharmaceuticals (external).
16. All other classes: Food.
17. All other classes: Non-food.

(c) *Choice of products or uses.* An industrial user may, in specifying his uses of rationed foods other than those for which he is entitled to receive a provisional allowance, choose the products or uses, authorized by the Office of Price Administration, made by him during 1943 or during his base period for the rationed food used by him.

SEC. 4. *Industrial users must report their use of foods covered by Ration Orders 13 and 16 during certain quarterly periods—(Base-period use).* (a) As part of his re-registration, an industrial user who is already registered under Ration Order 13 or Ration Order 16 must report, on Schedule II of OPA Form R-1200, the total number of pounds of foods, by groups, covered by the order under which he is registered on December 15, 1943, of which he made an industrial use (other than those for which he is entitled to receive a provisional allowance) at his industrial user establishment during 1942. The report must show the amount he used during each of the following quarters in 1942:

- First quarter.* January to March, inclusive;
Second quarter. April to June, inclusive;
Third quarter. July to September, inclusive;
Fourth quarter. October to December, inclusive.

(b) If an industrial user establishment was not in operation for a full quarter, his industrial use of foods cov-

ered by Ration Orders 13 and 16 during that quarter is fixed, for all the purposes of this order, in the following way:

(1) If the establishment was in operation during a part of the quarter:

(i) The amount of such foods used by him at his industrial user establishment during that part of the quarter is determined;

(ii) That amount is divided by the number of days the establishment was in operation during the quarter;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(2) If the establishment was not in operation at all during the quarter but was in operation in any other part of 1942:

(i) The amount of such foods used by him at his industrial user establishment during all of 1942 is determined;

(ii) That amount is divided by the number of days the establishment was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(3) With respect to foods covered by Ration Order 16, if the establishment was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and March 19, 1943, inclusive:

(i) The amount of foods covered by Ration Order 16 used by him at his industrial user establishment between January 1, 1943 and March 19, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days the establishment was in operation between January 1, 1943 and March 19, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the quarter. (If the establishment of an industrial user of foods covered by Ration Order 16 was not in operation at any time from January 1, 1942 to March 19, 1943, inclusive, and he is not registered as an industrial user on OPA Form R-1605, he is treated as a new industrial user as to that establishment and must apply for permission to register as a new industrial user under the provisions of Ration Order 16.)

(4) With respect to processed foods (covered by Ration Order 13, if the establishment was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and February 28, 1943, inclusive:

(i) The amount of processed foods used by him at his industrial user establishment between January 1, 1943 and

February 28, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days the establishment was in operation between January 1, 1943 and February 28, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the quarter. (If the establishment of an industrial user of processed foods was not in operation at any time from January 1, 1942 to February 28, 1943, inclusive, and he is not registered as an industrial user on OPA Form R-1303, he is treated as a new industrial user as to that establishment and must apply for permission to register as a new industrial user under the provisions of Ration Order 13.)

(c) The rules set forth under (1), (2), (3) and (4) of paragraph (b) of this section do not apply where an industrial user's establishment was not in operation during all or part of a quarter because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period of 1944.

SEC. 5. *Industrial users must report their use of sugar during certain quarterly periods—(Base-period use).* (a) As a part of his re-registration, an industrial user whose industrial user establishment is already registered under Rationing Order No. 3 must report, on Schedule II of OPA Form R-1200, the total number of pounds of sugar of which he made an industrial use (other than those for which he is entitled to receive a provisional allowance) at his industrial user establishment during 1941. The report must show the amount he used during each of the following quarters in 1941:

- First quarter.* January to March, inclusive;
Second quarter. April to June, inclusive;
Third quarter. July to September, inclusive;
Fourth quarter. October to December, inclusive.

(b) If his industrial user establishment did not use sugar during each month in 1941, the industrial user may instead divide the total amount used at his industrial user establishment from January 1, 1941 to April 27, 1942, inclusive, by the number of months in which the establishment was in operation during that period. (In making that computation, the industrial user must treat as a full month any calendar month in which he was in operation at least sixteen days. Any month in which he was in operation for less than sixteen days must be treated for this purpose as a fraction of a month.) This figure is multiplied by three and the result is treated as the amount used during each quarter. (For example, if the industrial user first used sugar on November 17, 1941, he is deemed to have been in business for 5 14/30 months; accordingly, if he used 1,000 pounds of sugar from November 17, 1941 to April 27, 1942, inclusive, his sugar use would be, for each month in his base pe-

riod, 1,000 divided by 5 14/30, or 183 pounds, and for each quarter 183 times 3 or 549 pounds.)

Sec. 6. Adjustments in base-period use must be reported. (a) An industrial user as part of his re-registration must include any adjustments in his base-period use which have been authorized by the Office of Price Administration. However, if he does so, he must state when and by what office of the Office of Price Administration those adjustments were made.

Sec. 7. Base-period use must exclude certain uses. (a) An industrial user must exclude the following from his base-period use reported on OPA Form R-1200:

(1) His use of rationed foods for a purpose for which he is entitled under Rationing Order No. 3, Ration Order 13, or Ration Order 16 to receive a provisional allowance;

(2) His use of foods covered by a ration order in a product which is rationed under the same ration order. (For example: A person who uses canned pineapple to make canned fruit salad is not an industrial user of canned pineapple, since both canned pineapple and canned fruit salad are rationed under Ration Order 13. Under that order, such a person is a processor with respect to his production of canned fruit salad.)

(3) His use of rationed foods for demonstration purposes, when such use was under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture;

(4) Any sugar which was used by him in products which he delivered to the Army, Navy, Marine Corps, or Coast Guard of the United States; Army Exchanges, Army Exchange Service, Post Exchanges of the Marine Corps, Ships' Service Activities of the Navy or Coast Guard; other activities designated by the Army, Navy, Marine Corps, or Coast Guard; Food Distribution Administration, and Ships' Service Stores of the Training Organization of the War Shipping Administration, a naval vessel or naval activity of the United Nations, or to the Navy, Army or Air Force Institutes (of Great Britain) or for use as ships' or canteen stores on any ocean-going vessel of the United States or of any of the United Nations, or on any neutral vessel designated by the War Shipping Administration, which was engaged in the transportation of cargo or passengers in foreign, coastal or intercoastal trade;

(5) His use of any item of foods covered by Ration Orders 13 or 16 having a zero point value at the time of his re-registration.

Sec. 8. An industrial user must also show his use of rationed foods for each class of products or uses made by him. (a) As part of his re-registration, an industrial user who indicates on Schedule I of OPA Form R-1200 that he used rationed foods for more than one class of products or uses must, for each such class of products or uses, state on a separate Schedule II of OPA Form R-1200 the amount of rationed foods, by groups, used by him to make each such class. He must divide his total base-period use of each item of rationed foods among the

classes of products or uses for which he used them, in the proportions in which he used them in the period chosen by him under section 3 (c). (For example: If an industrial user used 15,000 pounds of sugar to make bakery products (Class 1) and 5,000 pounds to make ice cream (Class 4) in 1941, and he checked both Class 1 and Class 4, on the basis of his use of sugar in 1941, he must show as his base-period use of sugar for Class 1, 75 percent of his base-period use, and, for Class 4, 25 percent of his base-period use, even though he may have used sugar during 1943 in different proportions or for different purposes.)

Sec. 9. Late registration of industrial users required to re-register under this order. (a) Any industrial user who is required by this order to re-register his industrial user establishment between December 15, 1943 and January 5, 1944, inclusive, may re-register later. However, in that case, he must not acquire or use rationed foods at his industrial user establishment until he has re-registered and his allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he re-registers on OPA Form R-1200, and he shall not receive any allotments for expired allotment periods.

Sec. 10. Definitions. (a) When used in this order, the terms "allotment", "allotment period", "board", "excess inventory", "industrial use", "industrial user", "industrial user establishment", "processed foods", "processor", "provisional allowance", and "sugar", have the meaning, with respect to each rationed food, which they have in the ration order covering that food.

Effective date. This general ration order shall become effective at 12:01 a. m. December 15, 1943.

Note: All reporting and record-keeping requirements of this general ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 48-20007; Filed, December 15, 1943;
11:53 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289; Amdt. 24]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.1521 is amended to read as follows:

§ 1351.1521 *Maximum prices for evaporated and British Standard Evaporated*

* Copies may be obtained from the Office of Price Administration.

17 F. R. 10998; 8 F. R. 490, 1458, 1885, 1972, 3252, 3253, 3327, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 7593, 8276, 8751, 9380, 9229, 10667, 11245.

Milk—(a) Sales and deliveries by manufacturers—(1) Carload lots. (i) The maximum prices for sales and deliveries of evaporated milk by manufacturers thereof in carload lots delivered to the buyer's customary receiving point shall be as set forth in Table A below:

TABLE A

If delivered in—	Carton of 48 14½-oz. cans	Carton of 48 6-oz. cans	Carton of 96 6-oz. cans	Carton of 6 8-lb. cans
Zone 1.....	Per carton \$4.10	Per carton \$2.05	Per carton \$4.10	Per carton \$4.10
Zone 2.....	4.20	2.10	4.20	4.20
Zone 3.....	4.20	2.10	4.20	4.20

(ii) The maximum prices for sales and deliveries of British Standard Evaporated Milk by manufacturers thereof in carload lots delivered to the buyer's customary receiving point shall be as set forth in Table B below:

TABLE B

If delivered in—	Carton of 48 14½-oz. cans	Carton of 48 6-oz. cans	Carton of 96 6-oz. cans	Carton of 6 8-lb. cans
Zone 1.....	Per carton \$4.60	Per carton \$2.30	Per carton \$4.60	Per carton \$4.60
Zone 2.....	4.70	2.35	4.70	4.70
Zone 3.....	4.70	2.35	4.70	4.70

(iii) The zones designated in Tables A and B of this paragraph are:

Zone 1.—Virginia (except the City of Alexandria), West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Colorado, New Mexico, Wyoming; and Armstrong, Allegheny, Beaver, Butler, Fayette, Greene, Mercer, Lawrence, Washington, Bedford, Blair, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Somerset, Venango, and Westmoreland Counties of Pennsylvania; and Allegany and Garrett Counties of Maryland.

Zone 2.—District of Columbia, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, all of the counties of Pennsylvania and Maryland not included in Zone 1, and the City of Alexandria, Virginia.

Zone 3.—Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

(iv) If evaporated milk is delivered by the manufacturer to the buyer's customary receiving point at the following points within Zones 1 and 3, the maximum price shall be the appropriate price in Table A, plus 10¢ per carton for cartons of 48 14½-oz. cans, 96 6-oz. cans, and 6 8-lb. cans, and 5¢ per carton for cartons of 48 6-oz. cans.

Zone 1.—Deliveries to all of New Mexico except Clayton, Dawson, Raton, Artesia, Carlsbad, Roswell and Hobbs; and deliveries to Sheridan, Greybull and Worland in Wyoming.

Zone 3.—Deliveries to all of Arizona, except Yuma; deliveries to Needles, El Portal and Alturas in California; deliveries to Montana; and deliveries to Boulder City, Ely, McGill and Las Vegas in Nevada.

(2) *Less than carload lots—(1) Sales and deliveries to retail stores and to food*

processors. The maximum price for sales of evaporated milk or British Standard Evaporated Milk by manufacturers in less than carload lots where delivery is made by the manufacturer to the physical premises of a retail store or to the physical premises of a food processor shall be the appropriate price established by subparagraph (1) of this paragraph for sales and deliveries in carload lots plus the following:

15¢ per carton for cartons of 48 14½-oz. cans, 96 6-oz. cans, and 6 8-lb. cans;
7½¢ per carton for cartons of 48 6-oz. cans.

This subdivision shall not apply to sales where delivery is made to the warehouse of the retail store.

(ii) *Other sales and deliveries.* The maximum prices for all other sales and deliveries of evaporated milk or British Standard Evaporated Milk by manufacturers in less than carload lots delivered to the buyer's customary receiving point shall be the appropriate price in subparagraph (1) of this paragraph plus the following:

5¢ per carton for cartons of 48 14½-oz. cans, 96 6-oz. cans, and 6 8-lb. cans;
2½¢ per carton for cartons of 48 6-oz. cans.

(3) *Discounts and allowances.* All maximum prices established under subparagraphs (1) and (2) of this paragraph must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance, or other price differential may always be given where it results in a price less than the maximum price.

(b) *Exempt sales.* The provisions of this section shall not be applicable to sales of evaporated milk or British Standard Evaporated Milk at wholesale or at retail. Sales at wholesale shall be priced under the provisions of Maximum Price Regulation No. 421;² sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422³ and 423.⁴

(c) *Definitions.*—(1) *Evaporated milk.* "Evaporated milk" means evaporated milk as defined in "Standards of Identity of Evaporated Milk" promulgated by the Food and Drug Administration and published in the Federal Register of July 2, 1940, 5 F.R. 2444. It shall contain not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids.

(2) *British Standard Evaporated Milk.* "British Standard Evaporated Milk" means evaporated milk as defined in "Statutory Rules and Orders, 1923, No. 509 Public Health, England. The Public Health (Condensed Milk) Regulations, 1923, Dated May 1, 1923. Made by the Minister of Health." It shall contain not less than 9 percent milk fat and not less than 31 percent of total milk solids.

(3) *Customary receiving point.* "Customary receiving point" is that place in the town or city where the buyer's place

of business is located at which the buyer customarily takes possession of evaporated milk or British Standard Evaporated Milk. It may be either a railroad siding or the buyer's warehouse in that town or city. For sales to the United States Government or any agency thereof, and in no other case, sales made f. o. b. the manufacturer's plant or warehouse shall be considered delivered to the buyer's customary receiving point.

This amendment shall become effective December 21, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20008; Filed, December 15, 1943;
11:55 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT [RO 2B; Amdt. 10]

PASSENGER AUTOMOBILES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 2B is amended in the following respects:

1. Section 1.3 (a) (25) is hereby revoked.

2. Section 1.3 (c) is amended to read as follows:

(c) *Guides for determining serviceability.* In deciding under this section whether a car is serviceable, the Board should consider the purpose for which the applicant requires a car and any facts which bear upon the condition of a car which is available for his use. The mileage that a car has been driven is one test among many of serviceability. Unless the facts show otherwise, the Board may decide that any car driven over 60,000 miles, irrespective of its age, is not serviceable.

3. Section 1.3 (d) is amended to read as follows:

(d) *Guides for determining need.* In deciding whether an applicant who does not own or presently have the use of a car needs one, the Board should consider the distance which he must travel in his eligible activity, the adequacy of public transportation, the amount of time he could save by using a car, and any other facts which bear on his need for a car. The applicant must establish that his need for a car is immediate. If at any time after January 1, 1942 he has transferred a car, he must show that the car was unserviceable or that he had no need for it at the time, or that other circumstances justified its transfer.

*Copies may be obtained from the Office of Price Administration.

²8 F.R. 2483, 5317, 5331, 5578, 7197, 8008, 10727, 12559, 13725.

This amendment shall become effective December 20, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong. WPB Dir. 1, 7 F.R. 563, Supp. Dir. 1A, 7 F.R. 695, 1493, 2229, 2729, Supp. Dir. 1Q, 7 F.R. 9121, E.O. 9125, 7 F.R. 2719)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20003; Filed, December 15, 1943;
11:53 a. m.]

PART 1369—METAL ORES [RMFR 113]

IRON ORE PRODUCED IN MINNESOTA, WISCONSIN, OR MICHIGAN

Maximum Price Regulation No. 113 is redesignated Revised Maximum Price Regulation 113 and is amended to read as set forth herein.

A statement of considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* The Price Administrator has given due consideration to the prices for iron ore produced in Minnesota, Wisconsin or Michigan prevailing between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

§ 1369.1 *Maximum prices for iron ore produced in Minnesota, Wisconsin or Michigan.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation 113—Iron Ore Produced in Minnesota, Wisconsin or Michigan, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1369.1 issued under 56 Stat. 23, 765; Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4631.

REVISED MAXIMUM PRICE REGULATION 113—
IRON ORE PRODUCED IN MINNESOTA, WISCONSIN, OR MICHIGAN

ARTICLE I—PROHIBITIONS AND SCOPE OF THE REGULATION

Sec.

1. Prohibitions against dealing in iron ore at prices above the maximum.
2. Prohibition against evasive practices.
3. Adjustable pricing.
4. Less than maximum prices.
5. Geographical application.
6. Exports.

ARTICLE II—MAXIMUM PRICES AND ADJUSTMENTS

7. Maximum prices.
8. Adjustments.

²8 F.R. 9388, 10569, 10987, 13293, 15250.

³8 F.R. 9351, 10569, 10987, 12443, 12611, 13294, 15251, 14853.

⁴8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854.

ARTICLE III—MISCELLANEOUS

Sec.

9. Definitions.
10. Records.
11. Petitions for amendment.
12. Applications for adjustment.
13. Licensing.
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ARTICLE I—PROHIBITIONS AND SCOPE OF THE REGULATION

SECTION 1. *Prohibition against dealing in iron ore at prices above the maximum.* On and after December 15, 1943 regardless of any contract or other obligation:

No person shall sell or deliver iron ore produced in Minnesota, Wisconsin or Michigan at prices higher than the maximum prices established by this regulation;

No person shall buy or receive such iron ore in the course of trade or business at prices higher than the maximum prices so established; and

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Prohibition against evasive practices.* The price limitations set forth in this regulation shall not be evaded either by direct or indirect methods in connection with a purchase, exchange, offer, sale, delivery or transfer of iron ore, alone or in conjunction with any other commodity; by increasing any commission, service, transportation, or other charge; by changing customary allowances, discounts, or other price differentials; or by tying-agreements or other trade understandings.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which may be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote production or distribution and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by an official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the revision may be the granting of an individual application for adjustment.

SEC. 4. *Less than maximum prices.* Prices lower than the maximum prices established by this regulation may be charged, demanded, paid, or offered.

SEC. 5. *Geographical application.* This regulation shall apply only to sales and deliveries of iron ore in the forty-eight states of the United States and the District of Columbia.

SEC. 6. *Exports.* The maximum prices at which a person may export iron ore produced in Minnesota, Wisconsin or Michigan shall be determined in ac-

cordance with the Second Revised Maximum Export Regulation.¹

ARTICLE II—MAXIMUM PRICES AND ADJUSTMENTS

SEC. 7. *Maximum prices.* Notwithstanding the provisions of section 2, the maximum prices established in this section shall apply to the settling of accounts for iron ore shipped during the 1943 season.

(a) *Standard ores*—(1) *Mesabi non-Bessemer.* The maximum Lake Erie price for Mesabi non-Bessemer ore having an iron content, natural, of 51.50% shall be \$4.45 per gross ton delivered at Lower Lake ports.

(2) *Other standard ores.* The maximum Lake Erie prices per gross ton for standard ores, other than Mesabi non-Bessemer, having an iron content, natural, of 51.50% and delivered at Lower Lake ports shall be:

Mesabi Bessemer.....	\$4.60
Old Range non-Bessemer.....	4.60
Old Range Bessemer.....	4.75
High Phosphorus.....	4.35

(3) The maximum prices established in this paragraph (a) shall be adjusted for variations in iron, phosphorus and silica content in accordance with the provisions of section 8.

(b) *Special ores*—(1) *Manganiferous ore.* The maximum Lake Erie price per gross-ton for manganiferous ore delivered at Lower Lake ports shall be the sum obtained by multiplying the combined natural iron and manganese analyses of such ore by the single Old Range non-Bessemer unit value of \$0.08932 and adding thereto \$.15 for each unit of natural manganese in excess of 5%.

(2) *Siliceous ore.* The maximum price for siliceous ore shall be \$2.50 per gross-ton delivered at Lower Lake ports. Adjustments for low phosphorus content shall be made in accordance with section 8 (b).

(3) *Lump ore.* The maximum Lake Erie price for lump ore having an iron content, natural, of 51.50% shall be \$4.60, plus \$.90 for lump quality, per gross ton delivered at Lower Lake ports. Adjustments for variations in iron content shall be made upon the basis of a unit value of \$0.1068.

(4) *Other special ores.* Such ores include off-grade and premium ores not specifically named in this paragraph (b). The maximum prices for such ores shall be determined by deducting the penalties from, or adding the premiums to, the weighted average spot price of the standard ores which each seller had in effect during 1941 or which have been approved heretofore by the Office of Price Administration.

(c) *Ore sold for delivery other than at Lower Lake ports.* (1) When ore is sold for delivery at the mine, railroad weights shall govern and there shall be deducted from the maximum prices established by this Regulation an amount equal to the total of: (i) Upper Lake rail freight at the established rate for the mode of transportation customarily employed;

(ii) Lake freight to Lower Lake ports at the established rate for the mode of transportation customarily employed: *Provided*, That increases in such rates occurring in 1943 shall not be included unless actually paid; (iii) a sum equal to the transportation tax computed on such Upper Lake rail and Lake freight; and (iv) the sum of \$.05 per gross ton.

(2) When ore is sold for delivery at Upper Lake ports, vessel bill of lading weights shall govern and there shall be deducted from the maximum prices established by this regulation an amount equal to the total of: (1) Lake freight to Lower Lake ports at the established rate for the mode of transportation customarily employed: *Provided*, That increases in such rates occurring in 1943 shall not be included unless actually paid; (ii) a sum equal to the transportation tax computed on such Lake freight; and (iii) the sum of \$.03 per gross ton.

(d) *Exchanges.* Exchanges of iron ore between producers, or between consumers, shall not be considered as sales under Revised Maximum Price Regulation 113. Producers making exchanges with consumers shall keep for a period of two years records showing: the names and addresses of the persons making the exchanges; the tonnages, names and classifications or grades; full analyses and guarantees (if any); the period within which the exchange is to be completed; the places and terms of delivery; and, if the exchange is on a basis of dollars value, the prices of the ores exchanged are calculated to a Lower Lake Erie base.

(e) *Escalation clauses.* Provisions in contracts for the sale and delivery of iron ore which permit escalation or increases in prices shall be operative only to the extent that the prices so determined do not exceed the maximum prices established by this regulation.

(f) *Ore shipped after November 30, 1943.* Notwithstanding any other provision of this regulation, there may be added to the maximum prices established herein for any iron ore loaded into vessels at Upper Lake ports for shipment to Lower Lake ports during 1943 but after midnight on November 30, 1943 an amount not to exceed 31.25% of the applicable Lake freight at the established rate for such shipment in no event exceeding, however, the additional amount actually paid.

SEC. 8. *Adjustments*—(a) *Differentials for variations in iron content.* The differentials for adjusting prices for variations in iron content, natural, of standard ores shall be the established unit values determined by dividing the maximum Lake Erie price for the particular standard ore by 51.50. The following table sets forth the unit values for the respective standard ores:

	Maximum Lake Erie price per gross ton	Unit value
Mesabi non-Bessemer.....	\$4.45	\$0.08611
Mesabi Bessemer.....	4.60	.08932
Old Range non-Bessemer.....	4.60	.08932
Old Range Bessemer.....	4.75	.09223
High Phosphorus.....	4.35	.08447

¹ 8 FR. 4132, 5987, 7662, 9998, 15193.

(1) When less than 51.50% and not less than 50.00% iron, deduct from the maximum Lake Erie price at the rate of one unit value for each unit or fraction thereof.

(2) When less than 50.00% and not less than 49.00% iron; from the price computed for 50.00% iron deduct at the rate of one and a half times the unit value for the unit or fraction of a unit less than 50.00%.

(3) When less than 49.00% iron, deduct from the price computed for 49.00% iron at the rate of two times the unit value for each unit or fraction of a unit of iron less than 49.00%.

(4) When iron content exceeds 51.50%, add to the maximum Lake Erie price at the rate of one unit value for each unit or fraction of a unit of iron above 51.50%.

(b) *Premiums for low phosphorus content.* Bessemer ore is ore which contains not more than .045% phosphorus, dry. Premiums for phosphorus content less than .045% shall not exceed those set forth in the following standard phosphorus table:

PHOSPHORUS TABLE

Percent of phos.	Rate of progr'n	Phos. values	Percent of phos.	Rate of progr'n	Phos. values
.045	.0000	.0000	.022	.0190	.3105
.044	.0050	.0050	.021	.0195	.3090
.043	.0055	.0165	.020	.0200	.3075
.042	.0060	.0255	.019	.0205	.3060
.041	.0065	.0350	.018	.0210	.3045
.040	.0100	.0450	.017	.0215	.3030
.039	.0105	.0555	.016	.0220	.3015
.038	.0110	.0655	.015	.0225	.3000
.037	.0115	.0750	.014	.0230	.2985
.036	.0120	.0850	.013	.0235	.2970
.035	.0125	.1025	.012	.0240	.2955
.034	.0130	.1155	.011	.0245	.2940
.033	.0135	.1290	.010	.0250	.2925
.032	.0140	.1430	.009	.0255	.2910
.031	.0145	.1575	.008	.0260	.2895
.030	.0150	.1725	.007	.0265	.2880
.029	.0155	.1880	.006	.0270	.2865
.028	.0160	.2040	.005	.0275	.2850
.027	.0165	.2205	.004	.0280	.2835
.026	.0170	.2375	.003	.0285	.2820
.025	.0175	.2550	.002	.0290	.2805
.024	.0180	.2730	.001	.0295	.2790
.023	.0185	.2915			

(c) *Other differentials*—(1) *Differentials for silica and phosphorus.* The differentials for silica and phosphorus (other than standard high phosphorus ores), which each seller allowed during the 1941 season shall be deducted from the maximum prices established in section 7 (a).

(d) *Premiums for less than cargo lots.* In the case of shipments in less than cargo lots, each seller may add to such prices the premiums which he had in effect during the 1941 season.

ARTICLE III—MISCELLANEOUS

SEC. 9. *Definitions.* (a) When used in this regulation, the term: (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agent of any of the foregoing.

(2) "Iron ore" means all classifications, grades, groups, blends, mixes and

other categories of market, merchant and non-captive iron ore, whether sold under a trade name or otherwise, produced in the State of Minnesota north of Minneapolis, or in the States of Wisconsin or Michigan and used in the manufacture of iron and steel.

(3) "High Phosphorus" means ore produced on the Menominee range and containing .300% or more phosphorus, dry, for 51.50% iron.

(4) "Delivered at Lower Lake ports" means delivered at rail of vessel at docks at all ports on Lake Michigan, Lake Erie, Lake Huron, Lake Ontario, and their connecting waters, at which iron ore may be unloaded;

(5) "Upper Lake ports" means all ports on Lake Superior and Lake Michigan at which iron ore may be loaded for shipment.

(6) "Mesabi" includes the Mesabi and Cuyuna ranges.

(7) "Old Range" includes Menominee, Marquette, Gogebic and Vermillion ranges.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 10. *Records.* (a) Every person making a sale or purchase of iron ore after December 15, 1943, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of (1) each such purchase or sale showing: the date thereof; the name and address of the buyer or seller; the price paid or received; and the quantity of each classification and grade purchased or sold; and (2) the quantity of iron ore (i) on hand and (ii) on order as of the close of each calendar month.

(b) Persons shipping iron ore during the 1943 season but after midnight on November 30, 1943 and making a charge in excess of the established maximum prices as permitted by section 7 (f) shall keep for a period of two years records showing: the tonnage for which such charge was made; places and dates of loading; places delivered; selling prices, stating separately the amount of the additional freight charge; the name, grade, or classification and iron content of the ore; and the name and address of the buyer.

(c) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require.

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.²

SEC. 12. *Applications for adjustment.* (a) Applications for adjustment of the maximum prices established by this regulation may be filed in the following cases:

(1) Where it can be shown that the cost of production of iron ore is above

mine net realization on such product at maximum prices; or

(2) Where it can be shown that mine net realization is inadequate in view of high operating cost for continued operation at existing maximum prices.

(b) Application for adjustment shall be filed with the Office of Price Administration, Washington, D. C., in accordance with Revised Procedural Regulation No. 1. The applicant should set forth the full details of the case and the Office of Price Administration may require the submission of full data on cost, profits and other relevant factors.

SEC. 13. *Licensing.* The provisions of Licensing Order No. 1,³ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which the license has been suspended.

SEC. 14. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement sections, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal Office in Washington, D. C.

Effective date. This regulation shall become effective December 15, 1943.

Note: The reporting provisions of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18335; Filed, December 15, 1943;
11:56 a. m.]

PART 1394—RATIONING OF FUEL AND
FUEL PRODUCTS
[RO 5C; Amdt. 23]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respect:

Section 1394.7706 (p) is amended to read as follows:

(p) By an authorized agent of government or of management or labor for

*Copies may be obtained from the Office of Price Administration.

² 8 F. R. 15337, 16250.

³ 7 F. R. 6361; 8 F. R. 3313, 3533, 6173, 11303.

² 8 F. R. 13240.

travel necessary to recruit or train construction workers or workers listed in paragraph (n) or (o) of this section, or for travel to, from, within or between construction projects or the establishments or facilities listed in paragraph (o) of this section in order to maintain peaceful industrial relations therein.

This amendment shall become effective December 20, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20004; Filed, December 15, 1943;
11:54 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 89]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1394.7707 (e) is added to read as follows:

(e) Notwithstanding any other provisions of this section, the District Director, in his discretion, may authorize any Board located within his district to allow and issue such a ration without obtaining his consent in advance of issuance, subject, however, to such procedure as the District Director may prescribe.

This amendment shall become effective December 20, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, 77th Cong.; W. P. B. Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19996; Filed, December 15, 1943;
11:55 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3, Amdt. 105]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respect:

Section 1407.244 is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 15937.

² 8 F.R. 14820, 15368, 15489.

§ 1407.244 Schedule D: Counties which have had a substantial increase in population and the percentage for each such county.

Percentage for periods commencing on or after Jan. 1, 1944

State and County	Percent
Alabama:	
Baldwin	20
Calhoun	30
Colbert	10
Dale	70
Etowah	20
Jefferson	10
Madison	10
Mobile	70
Montgomery	10
Russell	15
Talladega	20
Arizona:	
Cochise	40
Gila	20
Greenlee	80
Maricopa	20
Mohave	15
Navajo	10
Pima	30
Pinal	50
Yuma	60
Arkansas:	
Baxter	10
Desha	10
Jefferson	15
Lonoke	15
Pulaski	20
Sebastian	15
California:	
Alameda	20
Contra Costa	80
Inyo	50
Kern	10
Los Angeles	10
Marin	20
Monterey	20
Napa	15
Orange	20
Riverside	50
Sacramento	10
San Bernardino	20
San Diego	40
San Francisco	10
San Joaquin	10
San Luis Obispo	40
San Mateo	20
Santa Barbara	20
Solano	100
Sutter	10
Ventura	10
Yuba	40
Colorado:	
Arapahoe	10
Denver	10
Eagle	40
El Paso	30
Jefferson	10
Otero	10
Prowers	15
Pueblo	10
District of Columbia	20
Florida:	
Bay	90
Bradford	120
Brevard	20
Broward	30
Clay	30
Dade	20
Duval	30
Escambia	20
Franklin	140
Gulf	10
Highlands	90
Hillsborough	20
Indian River	15
Lee	40
Leon	15
Martin	40
Monroe	60
Okaloosa	50

State and County

Florida—Continued.	Percent
Orange	20
Palm Beach	15
Pinellas	20
St. Lucie	20
Sarasota	30
Georgia:	
Bibb	40
Camden	10
Catoosa	30
Chatham	20
Chattahoochee	10
Clarke	15
Columbia	15
Decatur	10
Dougherty	15
Fulton	20
Glynn	50
Houston	10
Liberty	100
Lowndes	10
McIntosh	10
Muscogee	50
Newton	10
Richmond	20
Stephens	20
Whitfield	10
Idaho:	
Bannock	15
Elmore	60
Jerome	20
Kootenai	20
Illinois:	
Champaign	10
Du Page	10
Lake	10
Madison	10
St. Clair	10
Winnebago	10
Indiana:	
Bartholomew	40
Clark	30
Floyd	15
Johnson	10
Lake	10
Marion	10
Porter	10
Scott	10
Starke	20
Tippecanoe	10
Vanderburgh	10
Iowa:	
Clayton	15
Des Moines	20
Kansas:	
Douglas	80
Finney	20
Geary	20
Johnson	30
Riley	10
Saline	50
Sedgwick	30
Seward	20
Wyandotte	10
Kentucky:	
Christian	20
Hardin	30
Jefferson	15
Madison	10
Union	40
Louisiana:	
Allen	20
Beauregard	40
Calcasieu	30
East Baton Rouge	30
Grant	20
Jefferson	20
La Salle	15
Natchitoches	30
Orleans	15
Ouachita	10
Rapides	60
Sabine	20
St. Mary	10
Vernon	100
Maine:	
Cumberland	15
York	10

State and County	Percent	State and County	Percent	State and County	Percent
Maryland:		Ohio—Continued.		Texas—Continued.	
Anne Arundel.....	10	Montgomery.....	15	Lamar.....	15
Baltimore City.....	15	Ottawa.....	10	Lampasas.....	10
Baltimore.....	20	Portage.....	10	Lubbock.....	20
Calvert.....	15	Summit.....	10	McLennan.....	15
Cecil.....	15	Trumbull.....	10	Matagorda.....	40
Charles.....	20	Wood.....	30	Maverick.....	20
Harford.....	30	Oklahoma:		Medina.....	20
Howard.....	10	Cleveland.....	20	Midland.....	40
Montgomery.....	30	Comanche.....	70	Moore.....	100
Prince Georges.....	20	Mayes.....	30	Nolan.....	50
St. Marys.....	20	Muskogee.....	30	Nueces.....	30
Massachusetts:		Oklahoma.....	15	Oldham.....	10
Barnstable.....	30	Pittsburg.....	20	Orange.....	120
Nantucket.....	20	Tulsa.....	50	Palo Pinto.....	60
Michigan:		Oregon:		Potter.....	20
Calhoun.....	15	Benton.....	40	Randall.....	10
Chippewa.....	15	Clatsop.....	30	Reeves.....	30
Macomb.....	30	Deschutes.....	10	Tarrant.....	20
Muskegon.....	10	Jackson.....	50	Taylor.....	60
Washtenaw.....	20	Linn.....	20	Tom Green.....	20
Wayne.....	10	Multnomah.....	40	Val Verde.....	20
Mississippi:		Tillamook.....	15	Victoria.....	20
Amite.....	20	Umatilla.....	15	Ward.....	30
Forrest.....	70	Pennsylvania:		Webb.....	15
Grenada.....	60	Delaware.....	10	Wichita.....	10
Harrison.....	50	Lebanon.....	10	Utah:	
Hinds.....	10	Mercer.....	20	Carbon.....	10
Jackson.....	60	Rhode Island:		Davis.....	50
Wilkinson.....	40	Kent.....	15	Millard.....	20
Missouri:		Newport.....	40	Salt Lake.....	20
Clay.....	10	Washington.....	30	Tooele.....	60
Jackson.....	10	South Carolina:		Utah.....	10
Newton.....	30	Aiken.....	15	Weber.....	30
Phelps.....	20	Beaufort.....	10	Virginia:	
Pulaski.....	50	Charleston.....	40	Arlington.....	40
St. Louis.....	15	Dorchester.....	10	Dinwiddie.....	40
St. Louis City.....	10	Greenville.....	10	Elizabeth City.....	30
Montana:		Richland.....	30	Fairfax.....	40
Stillwater.....	20	Spartanburg.....	10	Giles.....	10
Nebraska:		South Dakota:		Henry.....	10
Adams.....	15	Fall River.....	10	James City.....	15
Box Butte.....	30	Minnehaha.....	10	King George.....	20
Hall.....	10	Tennessee:		Montgomery.....	50
Hooker.....	10	Blount.....	15	Norfolk.....	100
Lincoln.....	10	Cannon.....	10	Nottoway.....	60
Nevada:		Coffee.....	40	Prince William.....	30
Clark.....	160	Davidson.....	15	Princess Anne.....	50
Mineral.....	230	Franklin.....	15	Pulaski.....	20
Nye.....	40	Henry.....	15	Warwick.....	150
Washoe.....	10	Johnson.....	10	York.....	50
New Hampshire:		Loudon.....	10	Independent cities:	
Rockingham.....	10	Montgomery.....	30	Alexandria.....	50
New Jersey:		Polk.....	50	Bristol.....	50
Burlington.....	10	Rutherford.....	20	Buena Vista.....	30
Monmouth.....	10	Shelby.....	10	Charlottesville.....	10
New Mexico:		Sullivan.....	20	Danville.....	80
Bernalillo.....	30	Trousdale.....	10	Fredericksburg.....	30
Chaves.....	20	Wilson.....	10	Hampton.....	20
Curry.....	30	Texas:		Hopewell.....	20
De Baca.....	20	Bastrop.....	70	Martinsville.....	10
Eddy.....	15	Bell.....	50	Newport News.....	80
Grant.....	10	Bexar.....	30	Norfolk.....	40
Luna.....	50	Bowie.....	30	Petersburg.....	10
McKinley.....	30	Brazoria.....	60	Portsmouth.....	20
Otero.....	20	Brazos.....	20	Radford.....	40
New York:		Brewster.....	20	Richmond.....	20
Nassau.....	10	Brown.....	60	South Norfolk.....	20
Seneca.....	20	Callahan.....	10	Suffolk.....	20
Tompkins.....	15	Childress.....	20	Williamsburg.....	50
North Carolina:		Cochran.....	30	Washington:	
Cabarrus.....	10	Comal.....	10	Clark.....	70
Craven.....	15	Cooke.....	70	Franklin.....	20
Cumberland.....	40	Coryell.....	30	King.....	20
Durham.....	20	Dallam.....	30	Kitsap.....	100
Graham.....	70	Dallas.....	15	Macon.....	10
Hoke.....	10	Denton.....	15	Pierce.....	20
Moore.....	15	Dimmit.....	15	Spokane.....	15
New Hanover.....	60	El Paso.....	20	Thurston.....	15
Onslow.....	100	Galveston.....	30	West Virginia:	
Pasquotank.....	20	Gregg.....	10	Clay.....	15
Richmond.....	15	Harris.....	15	Kanawha.....	10
Robeson.....	15	Hays.....	15	Wisconsin:	
Ohio:		Hidalgo.....	10	Dane.....	10
Franklin.....	10	Hockley.....	10	Door.....	10
Greene.....	20	Howard.....	40	Monroe.....	40
Hamilton.....	10	Hutchinson.....	20	Sauk.....	10
Lake.....	10	Jefferson.....	30	Wyoming:	
		Kinney.....	60	Laramie.....	20
		Kieberg.....	20	Park.....	20

This amendment shall become effective December 15, 1943.

(Pub. Law 421. 77th Cong., Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19997; Filed, December 15, 1943;
11:55 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3, Amdt. 108]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.21 (c) (9) is amended to read as follows:

(9) "Industrial user" means any "person" who has an "industrial user establishment". "Industrial user establishment" means any establishment where a person uses sugar in producing, manufacturing, or processing any product other than sugar if the product is not to be used in the preparation or service of food or beverages which the establishment or its owner serves to consumers. It also includes any establishment at which sugar is used for experimental, educational, testing, or demonstration purposes, whether or not a product resulting from such uses is to be used in the preparation or service of foods or beverages which the establishment or its owner serves to consumers.

2. Section 1407.21 (c) (14) is amended to read as follows:

(14) "Registering unit" means the "wholesaler" or "retailer" establishment or group of establishments selected by the owner thereof to be treated as a single unit for the purpose of Rationing Order No. 3 and which is so registered by him.

3. Section 1407.21 (c) (28) is amended to read as follows:

(28) "District office" means a district office of the Office of Price Administration.

4. Section 1407.21 (c) (32) is added to read as follows:

(32) "Ration evidences" or "evidences" means certificates, checks, coupons, and stamps.

5. Section 1407.81 is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

¹8 F.R. 14820, 15368, 15489.

§ 1407.81 *Re-registration between December 15, 1943, and January 5, 1944—*

(a) *Who must re-register.* Every industrial user who had registered his industrial user establishment under this order before December 15, 1943, must re-register that establishment by filing OPA Form R-1200 at any time between December 15, 1943, and January 5, 1944, inclusive, in accordance with General Ration Order 16.

(b) *How owner of industrial user establishments re-registers them governs their operation.* If an industrial user has more than one industrial user establishment and they are registered separately (on OPA Form R-1200), each of those establishments must be treated and operated separately for all the purposes of this order (including computation of allotments and base period use), just as though the establishments were owned by different persons, and the industrial user is considered as a different industrial user as to each such establishment. If an industrial user has registered his establishments together, they are treated as a unit, for all the purposes of this order. However, deliveries of sugar between such establishments may not be made except in accordance with § 1407.168 and the orders issued by the Director of the Food Rationing Division of the Office of Price Administration under that section.

(c) *Industrial user must keep copy of registration.* Each industrial user must keep a copy of his registration on OPA Form R-1200. If he has more than one establishment which he registers together, the copy must be kept at his principal business office; otherwise it must be kept at the establishment it covers.

6. Section 1407.82 is amended to read as follows:

§ 1407.82 *Prohibited deliveries.* (a) No person may deliver sugar to any industrial or institutional user and no industrial or institutional user may accept delivery of sugar from any person unless such person receives from the industrial or institutional user evidences covering the amount of sugar delivered. However, any sugar which was included, or required to be included, in the opening inventory of an institutional user establishment under General Ration Order 5 may be received without giving up evidences.

(b) Deliveries of sugar from one institutional user establishment to another of the same owner are covered by General Ration Order 5.

7. Sections 1407.83, 1407.84, and 1407.85 are revoked.

8. Section 1407.86 is amended to read as follows:

§ 1407.86 *Industrial user allotments—*
(a) *General.* To enable an industrial user to get and use sugar at his industrial user establishment, he is given an allotment for each use or product for which he has established a base-period use in accordance with General Ration

Order 16. Allotments are given for fixed periods called allotment periods. The allotment periods are the following quarterly periods:

(1) *First quarter:* January to March, inclusive;

(2) *Second quarter:* April to June, inclusive;

(3) *Third quarter:* July to September, inclusive;

(4) *Fourth quarter:* October to December, inclusive.

(b) *Application for allotments.* An industrial user's registration on OPA Form R-1200 is treated as an application for an allotment for his industrial user establishment for the quarterly period beginning January 1, 1944. Application for any other allotment period must be made, in person or by mail, to the board with which his establishment is registered. No particular form need be used for such application. The application, however, must be in writing and must be made not more than fifteen days before, nor more than five days after, the beginning of the period. However, the board may permit an application to be made at any time before an allotment period under such circumstances as the Washington Office of the Office of Price Administration may direct. The board, in its discretion, may also permit an application to be made at any time within the allotment period, but if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced by an amount which bears the same proportion to the allotment as the number of days which have elapsed from the start of the period bears to the total number of days in the period.

(c) *Amount of allotment.* The amount of an industrial user's allotment is determined on the basis of his use of sugar at his industrial user establishment during the quarter in the base period (1941) corresponding to the allotment period. (General Ration Order 16 describes the way in which base-period use for each quarter in the base period is determined. The amount of sugar used by him during the quarter for which he has established a base-period use is multiplied by the percentage or percentages fixed in § 1407.242, Schedule B, for that use or class of products and the numbers which result are added, and the total is his allotment, stated in pounds, for that use or class.

9. Section 1407.86a is amended to read as follows:

§ 1407.86a *Increases in allotments based on increases in population—*(a) *The amount of the increases.* An industrial user who in 1941 delivered to a county listed in § 1407.244, Schedule D, products for which he may obtain an allotment may, for each allotment period, obtain an increase in the allotment he is entitled to get under § 1407.86. The amount of the increase is determined as follows:

(1) Determine the amount of sugar which he used in products he delivered in 1941 to the listed county.

(2) Determine the amount of sugar which he used in all products he delivered in 1941.

(3) Divide the number obtained in (1) by the number obtained in (2).

(4) Multiply the number obtained in (3) by the percentage shown for that county for such allotment period in § 1407.244, Schedule D. (The result is the percentage by which the industrial user's allotment is increased.)

(5) If he made deliveries to more than one listed county, add together the percentage increases in allotment for all such counties. (This is the total percentage by which his allotment is increased.)

(6) Multiply the total percentage increase (the figure obtained in (4), if he made deliveries to one listed county, or (5), if he made deliveries to more than one listed county) by the industrial user's allotment as determined under § 1407.86 for the allotment period for each use or class of product. (This is the amount of the increase in allotment to which the industrial user is entitled, under this section, for that allotment period.)

(b) *How to determine what to include as deliveries.* Only final deliveries, directly or by independent carrier, are covered by this section. Deliveries to the following are not included: the Army, Navy, Marine Corps, or Coast Guard of the United States; Army Exchanges, Army Exchange Service, Post Exchanges of the Marine Corps, Ships Service Activities of the Navy or Coast Guard; other activities designated by the Army, Navy, Marine Corps, or Coast Guard; Food Distribution Administration, and Ships Service Stores of the Training Organization of the War Shipping Administration, the American National Red Cross, with respect to its acquisitions of food for consumption by members of the armed forces of the United States outside the United States, a naval vessel or naval activity of the United Nations, the Navy, Army and Air Force Institutes (of Great Britain), or for use as ships' or canteen stores in any ocean-going vessel of the United States or of any of the United Nations, or on any neutral vessel, designated by the War Shipping Administration, which is engaged in the transportation of cargo or passengers in foreign, coastal, or intercoastal trade. In determining 1941 deliveries to a listed county, only the following deliveries are to be included: (1) deliveries by the industrial user in 1941 of products in which he used sugar to all places in such county not specified in paragraph (c), and (2) deliveries of such products in 1941, with or without further processing by persons and from places specified in paragraph (c), wherever located, to all places in such county not specified in that paragraph.

(c) *Places referred to in paragraph (b).* The places referred to in the previous paragraph are the following:

(1) An industrial user establishment of the industrial user, or

(2) A plant or warehouse of the industrial user, or

(3) A plant or warehouse of a person having an exclusive contract to distribute the industrial user's products (with or without processing) in more than one county, or

(4) A plant or warehouse of a person owning more than 50 per cent of the stock of the industrial user corporation, or a plant or warehouse of a corporation or other organization more than 50 per cent of the stock of which is owned by that person or by the industrial user.

(d) *How application is made.* An industrial user's application for the increase in allotment allowed by this section must be made, in person or by mail, to the board with which he is registered. The first application for such increase must be made on OPA Form R-315. If an amendment to this order changes the amount of the increase in allotment to which an industrial user is entitled under this section, he must apply on OPA Form R-315 for the increase in allotment as so changed for the first period to which the amendment applies. Applications under this section must state the facts and show the computations required by paragraph (a). Except for these two cases, no particular form need be used in applying for the increase permitted by this section.

(e) *When application must be made.* Application for the increase for each period must be made at the same time that application for the regular allotment for that period is made and shall be subject to the provisions of § 1407.86 (b) with respect to late application.

(f) *Records.* An industrial user who applies for an increase in allotment under this section must keep, at his office, available for inspection by the Office of Price Administration, the journals, ledgers, and other records and reports which he used in obtaining or furnishing the information on which such increase was based.

10. Section 1407.86b is amended by deleting the words "registering units" and substituting in place thereof the words "Industrial users".

11. Sections 1407.86c to 1407.86i, inclusive, are revoked.

12. Section 1407.87 is amended to read as follows:

§ 1407.87 *Provisional allowances for producing certain products.* (a) An industrial user who needs sugar to produce any of the products listed in Tables I, II, IV, V, VII and IX of § 1407.241, Schedule A, may get a provisional allowance of sugar in an amount determined by multiplying the number of units of the product which he estimates he will produce during the quarterly period for which the application is being made, by

the amount of sugar which is permitted in § 1407.241, Schedule A, as the maximum amount per unit of the product.

(b) An industrial user who needs sugar to produce cooked beans (canned, bottled, frozen, or dehydrated) may get a provisional allowance of sugar in an amount determined by multiplying the number of units of dried beans which he estimates he will use during the quarterly period for which the application is being made, by the amount of sugar which is permitted in § 1407.241, Schedule A, Table VIII, as the maximum amount per unit of dried beans used.

(c) Only an industrial user who has properly registered on OPA Form R-1200 may apply to the board for a provisional allowance under this section. He must apply on OPA Form R-314. The application must be signed by the industrial user or by an authorized agent. The application may be made in person or by mail.

13. Section 1407.87a is added to read as follows:

§ 1407.87a *Provisional allowance for manufacturing condensed milk in containers of over one gallon.* (a) An industrial user may apply, in any month, for a provisional allowance to manufacture during the following month condensed milk to be packaged in containers holding more than one gallon.

(b) Application must be made in duplicate on OPA Form R-315 and must show:

(1) The plant capacity of his industrial user establishment.

(2) The amount of milk the industrial user will receive during the month for which the provisional allowance is requested, and

(3) The amount of such milk which cannot be processed into non-sugar-containing products other than evaporated milk, or into condensed milk to be packaged by him in containers holding one gallon or less. The industrial user shall send the original of the application to the Office of Price Administration, Washington, D. C., and shall file a duplicate with the board with which he is registered.

(c) The Washington Office of the Office of Price Administration may grant such provisional allowance in an amount which it considers necessary to prevent the spoilage of milk, on such conditions as it may require.

14. Section 1407.87b is added to read as follows:

§ 1407.87b *Provisional allowance for feeding bees.* (a) An industrial user who needs sugar for feeding bees may get a provisional allowance of sugar for that purpose in an amount determined under Table VI of Schedule A, § 1407.241.

(b) Application for all or part of such a provisional allowance may be made at any time during a calendar year. It must be made on OPA Form R-315.

(c) Any advance which an industrial user got during 1942 on his future provisional allowances for feeding bees must be deducted from the amount of his 1943 provisional allowance for that purpose. If the amount of the advance was more than 10 pounds per colony, the excess must be deducted from the industrial user's 1944 provisional allowance for feeding bees.

(d) An industrial user who gets a provisional allowance for feeding bees, may, in each calendar year, get an additional provisional allowance for that purpose if additional sugar is necessary to prevent the loss of his bees. Application for the additional provisional allowance must be made to the board on OPA Form R-315 and must state:

(1) The amount of the additional provisional allowance needed;

(2) The number of colonies of bees for which the additional provisional allowance is needed;

(3) That the industrial user has used his full provisional allowance for the calendar year for feeding bees; and

(4) That the additional sugar applied for is necessary to prevent the loss of the industrial user's bees.

The application must also contain the certification of the local United States Department of Agriculture War Board that the additional sugar applied for is necessary to prevent the loss of the industrial user's bees. If the board finds that the facts stated in the application are true, it will grant the application. The additional provisional allowance granted to any industrial user under this paragraph must not exceed 15 pounds for each colony of bees during any calendar year.

15. Section 1407.88 is amended to read as follows:

§ 1407.88 *Reports of provisional allowance uses.* (a) On or before application for a provisional allowance an industrial user who uses sugar in packing or processing any of the products listed in Table II or IX of Schedule A, § 1407.241, must file with the board a written report showing: (1) the total number of gallons of each fruit juice packed in 1941; (2) the total number of cases, by sizes, of each other product packed during 1941; (3) the total amount of sugar used with each; (4) in the case of each fruit, the total number of cases processed in terms of cases of 24/2½'s on the basis of the conversion table set forth in Table III of Schedule A; (5) in the case of tomato catsup and chili sauce, the total number of cases processed in terms of cases of 6/10's (glass) on the basis of the conversion table set forth in Table X; and (6) the average amounts of sugar used per case on the converted bases.

(b) On or before application for a provisional allowance an industrial user who uses sugar in packing or processing pickled or cured fish, shellfish, or poultry products must file with the board a written report showing: (1) the amount

of each such product processed during 1941; (2) the total amount of sugar used in each; and (3) the average amount of sugar used per hundred-weight (unprocessed).

(c) On or before application for a provisional allowance an industrial user using sugar in the production of cooked beans (canned, bottled, frozen, or dehydrated) must file with the board a written report showing: (1) the amount of cooked beans produced by him during 1941; (2) the total amount of sugar used by him in such cooked beans in 1941; and (3) the average amount of sugar used per 100 pounds of dried beans processed in 1941.

(d) An industrial user who uses sugar in any month for feeding bees or for packing or processing any of the products listed in § 1407.241, Schedule A (other than jams, jellies, preserves, marmalades, or fruit butters (listed in Table VI) or cooked beans (Table VIII)), must, on or before the 15th day of the following month, file with the board a written report of the use of sugar for each of such products during the past month. The report must show the number of units by sizes of each product packed or processed (and the number of bee colonies fed by weeks) and the amount of sugar used. In the case of products listed in Tables I, II, and IX of Schedule A, § 1407.241, except fruit juices, there must be included as a separate item the number of cases of each product packed or processed in terms of cases of 24/2's, 24/2½'s, and 6/10's (glass), respectively, on the basis of the conversion factors set forth in Tables III and X of Schedule A. In the case of fruit juices the amount packed or processed must be given in terms of gallons.

(e) An industrial user who uses sugar in any month for producing products listed in Table VII must on or before the 15th day of the following month file with the board a written report showing: (1) the number of pounds of each product produced by him during the past month; (2) the amount of sugar used; and (3) the type of fruit, fruit juices (or tomatoes) used in producing such products.

(f) An industrial user who uses sugar in any month for producing cooked beans (canned, bottled, frozen, or dehydrated) must, on or before the 15th day of the following month file with the board a written report showing: (1) the amount of sugar used in producing such cooked beans during the past month and (2) the amount in pounds of dried beans he used.

(g) An industrial user who in 1941 used dextrose or corn syrup in packing a product for which he is entitled to get a provisional allowance and who, prior to December 15, 1943, filed the reports required by paragraphs (a), (b), and (c) must, prior to his next application for a provisional allowance, amend those reports to include his use of dextrose and corn syrup on the basis of the conversion factors set forth in § 1407.89 (c).

16. Section 1407.88a is added to read as follows:

§ 1407.88a *Industrial users must keep records.* Each industrial user must keep for two years, at his office, records showing by months the amounts of sugar received by him, the amount of sugar used for each product and use listed in § 1407.241, Schedule A, and § 1407.242, Schedule B, and the amount of each product processed or produced.

17. Section 1407.89 (a) is amended by deleting the words "registering unit" and inserting in place thereof the words "industrial user" and by deleting the words "Table I or Table II" and inserting in place thereof the words "Table I, II, or IX".

18. Section 1407.89 (b) is amended by deleting the words "registering unit" and inserting in place thereof the words "industrial user"; by deleting the words "Table IV or Table V" and inserting in place thereof the words "Table IV, V, or VII"; and by adding at the end thereof the following: "No industrial user may use more sugar for producing cooked beans than the allowance specified in Table VIII of § 1407.241 per 100 pounds of dried beans used."

19. Section 1407.89 (c) is amended by deleting the figure "1.2" and inserting in place thereof the figure "1.1" and by deleting the figure "1.4" and inserting in place thereof the figure "1.2".

20. Section 1407.90 is amended by deleting the words "registering unit" and inserting in place thereof the words "industrial user" and by deleting the words "part of the provisional allowance for the preceding period which was not used for the purposes for which the provisional allowance was made" and inserting in place thereof the words "excess inventory".

21. Section 1407.91 is amended to read as follows:

§ 1407.91 *Adjustments.* (a) In issuing a certificate to an industrial user, the amount of his "excess inventory" must be deducted from the amount for which he may receive a certificate.

(b) "Excess inventory" includes:

(1) The amount by which his "present inventory" (sugar which he had on April 28, 1942, or which was stored for him or in transit to him on that date) exceeds the total of all his prior allotments and provisional allowances.

(2) All sugar (other than sugar which was included in his present inventory) received without giving up evidences.

(3) Sugar which an industrial user used (other than sugar which was included in his present inventory) after April 28, 1942, and prior to registration under this order.

(4) The amount by which a certificate, received as a result of an earlier omission or mistake made in his application or by the board or other office of the Office of Price Administration, exceeded the amount which the industrial user was entitled to receive.

(5) Any part of a provisional allowance obtained for a preceding period which was not used for the purposes for which the provisional allowance was made.

(6) The portion unused, on January 1, 1944, of any allotment obtained by the industrial user, as the owner of a "registering unit" (as defined in this order on December 14, 1943), for a purpose or product for which a provisional allowance may be obtained on such date.

(7) Any other sugar which the industrial user, as the owner of a "registering unit" (as defined in this order on December 14, 1943), was required under this section on December 14, 1943, to deduct from the amount of the certificate to be issued on the next application for the "registering unit".

(8) Any other amount charged as excess inventory as a result of action taken by the Office of Price Administration.

22. Section 1407.92 is amended to read as follows:

§ 1407.92 *Use of allotments on and after January 1, 1944.* (a) On and after January 1, 1944, except as may be permitted by the Washington Office of the Office of Price Administration, an industrial user who obtains an allotment under this order may use sugar allotted to him only for the use or for the production of the product on which his base period use was established, or for a use or for the production of a product included in the same class, according to the following classes:

1. Bread and other bakery products.
2. Baking mixes, including batters.
3. Breakfast cereals; and cereal paste products such as spaghetti and macaroni.
4. Ice cream; ices; sherbets; frozen custards; and mixes used for these purposes.
5. Condensed milk in containers of one gallon or less; cheese; other dairy products not included in other items; frozen eggs; and sugared egg yolks.
6. Bottled beverages (alcoholic and non-alcoholic); flavoring and coloring extracts; fountain syrups; drink mixes; branded fruits; maraschino cherries; fountain fruits; pickled fruits and vegetables; relishes.
7. Mayonnaise and salad dressing.
8. Products fried in fat (except bakery products) such as nuts, potato chips.
9. Candy; chocolate; cocoa; chewing gum.
10. Sandwiches.
11. Dehydrated and dried soup and soup mixes.
12. Canned and bottled foods (not included in other items); table syrups.
13. Experimental, educational, demonstration, and testing purposes.
14. Pharmaceuticals (internal); allergy foods; vitamin oils; cough drops.
15. Pharmaceuticals (external).
16. All other classes: Food.
17. All other classes: Non-food.

(b) No industrial user may use more sugar in any allotment period for any purpose or use for which allotments may be obtained than his allotment for that period plus any unused part of his allotments for earlier periods. Sugar used under an allotment before the beginning of the period for which it was granted shall, for the purposes of this paragraph,

be considered to have been used in the period for which it was granted.

(c) On and after January 5, 1944, an industrial user may not use sugar for any use or purpose unless he has registered his industrial user establishment on OPA Form R-1200.

23. Section 1407.93 is amended to read as follows:

§ 1407.93 *Use of sugar prior to January 1, 1944.* Prior to January 1, 1944, an industrial user may use sugar only in the way permitted by this order on December 14, 1943.

24. Section 1407.93a (a) is amended to read as follows:

(a) An industrial user may open an account for his establishment. If he has more than one establishment and they are registered together, he may, at his option, open a separate account for each establishment or for any group of such establishments. However, if an account is opened for any such establishment, all his other establishments which are registered with it must be served by an account or accounts.

25. Section 1407.93a (c) is amended to read as follows:

(c) An industrial user whose establishments are registered together may transfer ration credits from one of his "industrial user" accounts to another by the issuance of a check without the delivery of sugar.

26. Section 1407.94 is amended to read as follows:

§ 1407.94 *Changes in industrial user accounts as a result of re-registration on OPA Form R-1200.* (a) Any industrial user who has more than one establishment and re-registers those establishments on OPA Form R-1200 in a way different from the way in which they were previously registered on OPA Form R-310 (by registering two or more establishments together when they were previously registered separately or by registering them separately when they were previously registered together) must make the appropriate changes in the designation of the establishments served by any ration bank accounts which he has opened. He must also close any account that is no longer needed.

(b) If an industrial user wishes to change the number of establishments which are served by an account and it is necessary that he use some or all of the credits in that account for an establishment that will no longer be served by the account, he may, on or before January 15, 1944, issue the necessary checks to withdraw such credits from the account. Such checks may be deposited in any account serving the establishment for which he wishes to use the credits, or, if he has no account for such establishment, he may use the checks to obtain sugar for that establishment.

(c) Any industrial user who closes an account under this section may (after notifying the district office in the way provided in General Ration Order 3A) on

or before January 15, 1944, issue to the board a check for the balance in such account (minus outstanding checks) and receive in exchange a certificate of equal amount.

27. Section 1407.140 (e) is amended by inserting between the words "or" and "institutional", wherever they appear therein, the words "industrial or".

28. Section 1407.141 (e) is amended by inserting between the words "includes" and "establishments registered" the words "industrial user establishment and".

29. Section 1407.142 (c) is amended by inserting between the words "includes" and "establishments registered" the words "industrial user establishment and".

30. Section 1407.144 is amended to read as follows:

§ 1407.144 *Moving establishment to another place.* (a) A person may move his "retailer" or "wholesaler" establishment to another place after notifying the board of his new address. A primary distributor may move his "primary distributor" establishment to another place after notifying the Washington Office of the Office of Price Administration of his new address.

(b) If a person wishes to move his "industrial user" establishment to another place, he must treat his moving as the closing of one establishment and the opening of a new establishment unless he applies for and is granted permission to continue his operations at the new place. The application must be made, on OPA Form R-315, to the board with which the establishment is registered, and must, in addition to showing the new address, give explanations indicating whether:

(1) The entire establishment, including substantially all the equipment and the inventory of sugar will be moved to the new place;

(2) He will continue to serve, from the new place, the same general class of customers and the same area he serves from his present place; and

(3) He will continue to produce, at the new place, the same classes of products which he produces at his present place.

The board shall send the application, with its recommendation, if any, to the district office. If the district office finds that the establishment will continue to be operated in substantially the same manner as at its present place, and that the tests described above are satisfied, it shall grant the application.

(c) An industrial user who moves his establishment and is granted permission to continue his operations at the new place, may not use his allotment if his operation of the establishment ceases to meet the tests described in paragraph (b).

31. Section 1407.144a is added to read as follows:

§ 1407.144a *Sale or transfer of retailer or wholesaler establishments—(a) General.* (1) When any "person" sells or "transfers" to any other person the

business and inventory of his "retailer" or "wholesaler" establishment for continued operation, they must both notify the board at which the establishment is registered. The notice must be given, in writing, within five days after the sale or the transfer and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The sugar inventory transferred; and

(iii) The amount of ration credits in the establishment's account, if any (deducting the amount of any outstanding checks) and the amount of evidences on hand.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has an account, he must notify the district office in the way required by General Ration Order 3A.

(b) *Purchaser of "retailer" or "wholesaler" establishment may get its ration evidences.* The purchaser or transferee of a "retailer" or "wholesaler" establishment may get and use all the certificates, stamps, and coupons of the establishment in the same way as the seller or transferor was entitled to use them. If the establishment has an account, the transferor must transfer all the credits in the account to the transferee by issuing a ration check. (The check shall not include the amount of outstanding checks drawn on such account.) If the establishment does not have an account, the transferor is to give to the transferee the stamps and coupons he has and endorse and give to the transferee any ration checks and certificates he has. (If the transferee is required to have an account, he must deposit all ration evidences in that account. If the transferee is not required to have an account, he may endorse the checks and certificates and use them to get sugar.)

(c) *Same rules apply to the sale of a registering unit composed of more than one establishment.* The rules set forth above also apply to the owner of a registering unit which includes more than one establishment and who sells and transfers all of them for continued operation. The owner must give the information and give up or transfer ration evidences for all the establishments.

(d) *Sale of part of registering unit.* Where a registering unit consists of several establishments, only some of which are sold or transferred, the purchaser or transferee may not acquire its ration evidences. In this case, the seller or transferor keeps the evidences. The transferor may use the evidences with his other establishments in the registering unit.

32. Section 1407.144b is added to read as follows:

§ 1407.144b *Sale or transfer of industrial user establishment*—(a) *General.* (1) When an industrial user sells or transfers to any other person the business and inventory of his industrial user establishment for continued operation, both the transferor and the transferee

must notify the board at which the establishment is registered. The notice must be given in writing within five days after the sale or transfer and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The sugar inventory of the establishment transferred; and

(iii) The amount of ration credits in the establishment's account (deducting the amount of any outstanding checks).

(2) If the transferor has an account, he must notify the district office in the way required by General Ration Order 3A.

(b) *Transferor must give up unused ration evidences.* The seller or transferor must give to the board all ration evidences he has for the establishment. If the establishment has a ration bank account, he must give up the evidences in the form of his certified ration check payable to the Office of Price Administration. (The check shall be equal in amount to the credits in the account minus outstanding checks.) The notice described in paragraph (a) and the surrender of unused evidences will be treated as a cancellation of the transferor's registration and allotment.

(c) *Application for allotment by transferee.* The transferee may not use the sugar which was transferred with the establishment unless he receives an allotment. The application for an allotment must be made on OPA Form R-315 to the board where the establishment was registered and must state facts showing whether:

(1) The entire establishment, including substantially all the equipment, the good will, and the inventory of sugar, have been transferred.

(2) The transferee will continue to serve from that establishment the same general class of customers in the same area served by it before the transfer; and

(3) The transferee will continue to produce at the establishment the same classes of products the transferor was permitted to produce, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(d) *Granting of allotment.* If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (c) are satisfied, it will assign to the transferee the transferor's allotment and base-period use for that establishment. It will also give the transferee a certificate for the value of the evidences that the transferor surrendered to the board. However, if the amount of sugar delivered to the transferee with the establishment is larger than the unused part of the allotment for the current period plus any unused part of the transferor's earlier allotments, the difference will be treated as "excess inventory". The transferee may not use any part of the allotment already

used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(e) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(f) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all, of them, the procedure described in paragraphs (a), (b), (c), and (d) must be followed separately, as to each establishment transferred.

(2) When the seller or transferor has more than one industrial user establishment which he registered together, and sells or transfers one or more, but not all, of them, the procedure described in paragraphs (a) and (c) of this section must be followed, except that the transferor must also apply to the board with which he is registered for a redetermination of his allotment and base-period use. The board shall send the application and notices of both parties, and the transferor's registration, to the district office. If the district office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment for that establishment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of sugar which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up evidences to the Office of Price Administration for the difference. If he does not give up evidences, that difference shall be treated as "excess inventory".

(g) *Transferee's registration.* A transferee is regarded as registered as soon as the district office assigns an allotment and base-period use to him.

(h) *Use of allotment by transferee.* A transferee may not use an allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (c).

33. Section 1407.144c is added to read as follows:

§ 1407.144c *Where and how a transferee registers establishments acquired by him.* (a) A person who buys or other-

wise acquires an industrial user establishment of any type and who already has two or more industrial user establishments which are registered together must register the new establishment together with his other establishments at the same board. (If he already has his other industrial user establishments registered separately, the new establishment must be registered with the board where it is located.)

(b) A person who buys or otherwise acquires a "retailer" or "wholesaler" establishment and who already has a registering unit which includes an establishment or establishments of the same type may either register such establishment separately or may register it with his other establishments of the same kind. If the owner desires to obtain a new allowable inventory for the registering unit because of the addition of such establishment he shall apply to the board under § 1407.161.

34. Section 1407.144d is added to read as follows:

§ 1407.144d *What a person who closes his establishment must do*—(a) *General.*

(1) Any retailer, wholesaler, or industrial user who goes out of the business of dealing in or using sugar at his establishment must notify the board at which it is registered. The notice must be given in writing within five days after he goes out of business. It must show:

(i) The name and address of the establishment.

(ii) The sugar inventory of the establishment at the time he stopped doing business.

(iii) The amount of ration credits in the establishment's account, if any (deducting the amount of any outstanding checks), or, if he has no account, the amount of ration evidences on hand.

(2) If he has a ration bank account, he must also notify the district office in the way required by General Ration Order 3A.

(3) He must account to the Office of Price Administration for all evidences he has for the establishment at which he ceased doing business. If all his sugar has not been disposed of at the time of the notice, he must account for evidences for such sugar as soon as stocks have been liquidated. An industrial user who has given the notice called for above may deliver the sugar in the same way "retailers" are permitted to make deliveries.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section also apply to a person who:

(1) Has more than one industrial user establishment and goes out of business at all of them, whether or not they were registered separately, or

(2) Has a registering unit which includes several retailer or wholesaler establishments and goes out of business at all such establishments. He must give the information required and must give up evidences for all the establishments.

(c) *Closing of part of a chain.* (1) A person who has a registering unit composed of several "retailer" or "wholesaler" establishments may go out of business at one or more establishments but

may continue to operate the others in such registering unit. In that case, he need not give up evidences to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues in that registering unit. He must give written notice to the board at which the registering unit is registered, giving the name and address of the establishment closed, within five days after he closes it.

(2) A person who has several industrial user establishments which are registered together may go out of business at one or more of them, but may continue to operate the others. In that case, he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office. The district office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base-period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration evidences equal to the reduction. If he does not have evidences to give up, the amount of the reduction shall be treated as "excess inventory".

35. Section 1407.145 is amended to read as follows:

§ 1407.145 *Stamps and certificates may not be taken by legal process or acquired by will.* (a) No stamp, certificate, coupon, or ration check or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a War Ration Book, a coupon or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp, coupon, or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

36. Section 1407.146 is amended to read as follows:

§ 1407.146 *Delivery of sugar for carriage or storage.* Any person may deliver sugar to any other person for carriage or storage without getting evidences. The sugar may thereafter be delivered by such other person, without getting evidences, either to the person from whom the sugar was received, or to a person to whom the right to receive such sugar has been transferred under this order.

37. Section 1407.146a is added to read as follows:

§ 1407.146a *Security interests in sugar may be created and released without giving up evidences.* (a) No evidences

need be given up for a delivery of sugar, or of any interest in it, for security purposes only. (For example, if sugar is pledged or mortgaged, the person with whom it is pledged or mortgaged need not give up evidences.)

(b) No evidences need be given up for a release of a security interest in sugar, or for a return of the sugar to the person who originally delivered it for security purposes. (For example, a person who pledged sugar may get it back without giving up evidences. Similarly, a person who gives a chattel mortgage on his sugar need not give up evidences when the mortgage is ended.)

38. Section 1407.147 is amended to read as follows:

§ 1407.147 *Disposal of damaged sugar and undamaged sugar mingled therewith or sugar in a package, bag, or other container damaged while in transit by common carrier.* (a) Sugar which is damaged and undamaged sugar mingled therewith, or sugar which is in a package, bag, or other container damaged while in transit by common carrier, may be delivered by any person who has it, without getting evidences to:

(1) Primary distributors;

(2) Any person who has insured such sugar against loss or damage and is duly authorized by law to engage in the insurance business;

(3) Common or contract carriers in connection with the right of subrogation or by virtue of the payment by them of a claim for damage to such sugar or container; and

(4) Persons engaged principally and primarily in the business of adjusting losses or selling or reconditioning damaged commodities, who take possession of or receive such commodities on the occurrence or imminence of casualties or in direct connection with the adjustment of losses resulting from casualties.

(b) Any person described in paragraph (a), (2), (3), or (4) who acquires such sugar under paragraph (a) must make a report of such transaction, in writing, to the district office for the place where his principal business office is located. The report must indicate how he intends to dispose of such sugar.

(c) Following such report, undamaged sugar which has been mingled with, but which can be and is separated from damaged sugar, or sugar which is in a package, bag, or other container damaged while in transit by common carrier, may be disposed of by such person, but only in the way permitted by § 1407.147d (c) (1), (2), (3), and (4). Damaged sugar and undamaged sugar mingled therewith which cannot be separated therefrom may be disposed of but only as follows: by delivery, directly or by carrier, without receiving evidences, to (1) a primary distributor or (2) any person for storage purposes. If such sugar is delivered for storage, it may later be delivered, without receiving evidences, to a primary distributor.

39. Section 1407.147a is amended to read as follows:

§ 1407.147a *Adjustments for lost, destroyed, stolen, or damaged sugar.* (a)

A registering unit or an industrial or institutional user who, under § 1407.147 (a), delivers damaged sugar and undamaged sugar mingled therewith, or whose sugar is destroyed, lost, stolen, or taken away by legal process or order of a court may obtain evidences covering the original weight of such sugar. A registering unit or an industrial user or institutional user who, under § 1407.147 (a), delivers sugar in a package, bag, or other container damaged while in transit by common carrier may obtain evidences covering the amount of sugar in such package, bag, or other container before it was damaged. A registering unit or an industrial or institutional user whose sugar, although in a package, bag, or other container damaged while in transit by common carrier, was not delivered under § 1407.147 (a) or was in a package, bag, or other container damaged in any other way may get evidences covering the amount of sugar lost from the package, bag, or other container because of such damage.

(b) Application must be made, on OPA Form R-315, to the district office for the place where the applicant is registered and must show that he meets the requirements of paragraph (a). If the district office finds that the applicant is entitled to a certificate under this section, it will instruct the board with which the applicant is registered to issue such certificate.

40. Section 1407.147b (b) is amended to read as follows:

(b) A registering unit or an industrial or institutional user who recovers lost or stolen sugar for which he has obtained a certificate under § 1407.147a must report such fact in writing to the district office for the place where he is registered. The report must also state the amount of such sugar and how he intends to dispose of it. Such sugar may thereafter be disposed of by the registering unit or industrial or institutional user, but only in the way provided by § 1407.147d (c) (1), (2), (3), and (4).

41. Section 1407.147b (c) is amended to read as follows:

(c) An insurer or carrier who recovers lost or stolen sugar must report such fact in writing to the district office for the place where his principal business office is located. The report must also state the amount of such sugar and how he intends to dispose of it. Such sugar may thereafter be disposed of by the insurer or carrier, but only in the way provided by § 1407.147d (c) (1), (2), (3), and (4).

42. Section 1407.147c is amended by deleting the words "State Director, pursuant to §§ 1407.146, 1407.147, or 1407.147b" and inserting in place thereof the words "district office under §§ 1407.147, 1407.147b, or 1407.147d" and by deleting the words "State Director" from the last sentence thereof and inserting in place thereof the words "district office".

43. Section 1407.147d is added to read as follows:

§ 1407.147d *Delivery of sugar for liquidation, by operation of law, or in*

judicial proceedings—(a) *General.* Sugar may be delivered without the receipt of ration evidences to a person who gets it for liquidation only. Also, no evidences need be given up for sugar delivered as part of a judicial proceeding or by operation of law, or for sugar delivered under the direction of or pursuant to an order of a court or by judicial process. (For example, sugar may be taken over by a creditor, under a court order, without any surrender of evidences. If sugar is assigned for the benefit of creditors, the person to whom it is assigned need not give up evidences to the person making the assignment. Also a person need not give up evidences when he inherits sugar or acquires it by will).

(b) *Transferee must report acquisition.* A person who acquires sugar under paragraph (a) without giving up evidences must, within five days after receiving such sugar, file a report, in writing, with the district office for the place where his principal business office is located, showing:

- (1) The amount of sugar acquired;
- (2) The name and address of the person from whom the sugar was acquired;
- (3) The way in which the sugar was acquired and the date when it was delivered to him; and
- (4) How he intends to dispose of the sugar.

(c) *How transferee may dispose of the sugar.* After making the report under paragraph (b), the transferee may dispose of the sugar in the following ways:

- (1) He may sell or deliver it to a primary distributor without getting evidences;
- (2) He may sell or deliver it in the same way that a "retailer" is permitted to sell or deliver sugar. However, in such case, he must, within five days after the sale or delivery, give up to the district office, the evidences received;
- (3) If he is an industrial user, he may use the sugar if he treats it as "excess inventory"; or
- (4) If he is an institutional user, he may use the sugar if he surrenders evidences, covering the amount of such sugar, to the district office for the place where his principal business office is located.

(d) *Consumer inheritance.* A consumer who acquires sugar from another consumer by inheritance or by will may use the sugar without giving up evidences.

44. Section 1407.148 (b) is amended by inserting in the first sentence thereof between the words "registering unit" and "or institutional" the words "or an industrial".

45. Section 1407.149 is amended by inserting, in the first and second sentences thereof, between the words "registering unit" and the words "or the", the words "the industrial user".

46. Section 1407.161 is amended to read as follows:

§ 1407.161 *Applications may be made for adjustment*—(a) *How to apply.* Any registering unit or industrial user which needs an adjustment in its inventory or allotments (or other relief) may apply

on OPA Form R-315, to the board with which it is registered. The applicant must state in his application all facts which he claims show his need for the adjustment and the nature and amount of the adjustment he requests. The board must send the application, together with all other information received, to the district office. The board may attach its recommendation as to the action to be taken. The district office shall send the file to the "Washington Office" for decision or take such other action as the "Washington Office" may authorize or direct.

47. Section 1407.163 (a) is amended to read as follows:

(a) Any person desiring to obtain sugar for a wholesaler, retailer, or industrial user establishment, not eligible for registration under either this order or General Ration Order 16, may petition the board for the place in which the principal business office of the establishment is, or will be, located, for registration and assignment to such establishment of a base-period use, allotment, provisional allowance, or allowable inventory, as the case may be. The petition must be made on OPA Form R-315. The board may not grant or deny the petition but will follow the procedure set forth in § 1407.161 with regard to petitions for adjustment.

48. Section 1407.164 is amended to read as follows:

§ 1407.164 *Correction of registration.* A registration made upon OPA Form No. R-305 or upon OPA Form R-1200 may be corrected so as to eliminate clerical errors.

49. Section 1407.169 is amended to read as follows:

§ 1407.169 *Deliveries of sugar by industrial users.* (a) An industrial user who has received a provisional allowance may, with the prior approval of the board, deliver sugar in the original unopened packages of a primary distributor if the industrial user does not, at the time he makes application for such approval, expect to use any sugar in the next four months and the amount to be delivered does not exceed the unused part of his provisional allowance for the preceding period.

(b) Application for the board's approval must be made by the industrial user on OPA Form R-315 or such other form of application as may be approved by the board. The application must establish compliance with the requirements of paragraph (a). If the requirements of paragraph (a) are met, the board will approve the application.

(c) Such sugar may be delivered upon receipt of evidences and the evidences received must be given up to the board for cancellation. The board, when it next issues a certificate to the industrial user under § 1407.90 of this order, will reduce his "excess inventory" by the amount of evidences given up.

50. Section 1407.169a is added to read as follows:

§ 1407.169a *Prohibition on deliveries by consumers and industrial and institutional users.* No consumer or institutional or industrial user may deliver sugar, except as authorized by the Office of Price Administration or as provided in this order or General Ration Order 5.

51. Section 1407.169b is added to read as follows:

§ 1407.169b *General Ration Order 5 governs whenever inconsistent with this order.* If any provision of this order is inconsistent with the provisions of General Ration Order 5, General Ration Order 5 governs and supersedes the provisions of this order to the extent that they are inconsistent. However, § 1407.168 of this order and the orders issued by the Director of the Food Rationing Division of the Office of Price Administration under that section govern in the event of any inconsistency with the provisions of General Ration Order 5 and shall not be superseded by any provision of General Ration Order 5.

52. Section 1407.170 (b) is amended by deleting the first sentence and inserting in place thereof the following:

The Collector of Customs may deliver sugar received by him to a consumer, registering unit, or an industrial or institutional user establishment upon receipt of evidences covering the amount of sugar delivered, or an authorization by the Office of Price Administration to such registering unit or industrial or institutional user establishment authorizing it to take delivery of such sugar.

53. Section 1407.170 (d) is amended by inserting in the first sentence thereof, between the words "registering unit" and "or institutional," the word "or industrial," and by deleting from the second sentence thereof the words "registering unit" and inserting in their place the word "industrial".

54. Section 1407.173 is added to read as follows:

§ 1407.173 *Miscellaneous record keeping.* Any person required by this order on December 14, 1943, to keep records must retain such records for a period of not less than two years or until further order by the Office of Price Administration. Such records must be kept available during such period for inspection by the Office of Price Administration.

55. Section 1407.183 (b) is amended to read as follows:

(b) The persons and agencies included within the provisions of this section are the Army, Navy, Marine Corps, or Coast Guard of the United States, and the Food Distribution Administration, Maritime Commission, War Shipping Administration and any government agency or other person when such government agency or person, acquires sugar for export to and consumption or use in any foreign country or in any territory or possession of the United States, other than the District of Columbia.

56. Sections 1407.183a (a), 1407.184; 1407.185; 1407.186 to 1407.188, inclusive; 1407.203; and 1407.204 are revoked.

57. Section 1407.205 is amended by inserting between the words "registering

units" and "and primary" the words "industrial users registered on OPA Form R-1200".

58. Section 1407.241, Schedule A, is amended by deleting the words "per unit of product" from the headnote and by adding an item to Table V and Tables VII, VIII, IX, and X, as follows:

TABLE V—CANNED OR CURED MEATS, FISH, AND POULTRY REGARDLESS OF HOW PACKAGED

Product	Size of unit	Quantity of sugar allowed, in pounds per unit of product
• • • • •	• • •	• • •
All others.....	• • •	None.

TABLE VIII—COOKED BEANS (CANNED, BOTTLED, FROZEN, OR DEHYDRATED)

Product	Size of unit	Quantity of sugar allowed, in pounds, per unit of dried beans used
Cooked beans (canned, bottled, frozen, or dehydrated).	Each 169 lbs. of dried beans used...	100 percent of average quantity of sugar used in 1941 in producing cooked beans (canned, bottled, frozen, or dehydrated).

TABLE IX—TOMATO CATSUP AND CHILI SAUCE

Product	Size of unit	Maximum sugar allowance per unit in pounds
Tomato catsup or chili sauce.....	6 7/8's (glass).....	100% of average quantity of sugar used per unit of all grades (converted into 6 7/8 glass) during 1941.

TABLE X—CONVERSION FACTORS FOR CASE EQUIVALENTS FOR USE IN TABLE IX OF THIS SCHEDULE

Size of case:	Conversion factors to case of 6 7/8's (glass)
Case of 12/12 oz. (glass).....	0.22
Case of 4/1 gal. (glass).....	.90
Case of 24/14 oz. (glass).....	.51

59. Section 1407.242 is amended to read as follows:

§ 1407.242 *Schedule B: Allotment percentages for industrial users.*

[For periods commencing on or after Jan. 1, 1944]

	Percentage of sugar base
1. Bread and other bakery products.....	80
2. Baking mixes, including batters.....	80
3. Breakfast cereals; and cereal paste products such as spaghetti and macaroni.....	80
4. Ice Cream; ices; sherbets; frozen custards; and mixes used for these purposes.....	80
5. Condensed milk in containers of one gallon or less; cheese; other dairy products not included in other items; frozen eggs, and sugared egg yolks.....	80
6. Bottled beverages (alcoholic and nonalcoholic); flavoring and coloring extracts; fountain syrups; drink mixes; branched fruits; maraschino cherries; fountain fruits; pickled fruits and vegetables; relishes.....	80
7. Mayonnaises and salad dressing.....	80
8. Products fried in fat (except bakery products) such as nuts, potato chips.....	80
9. Candy; chocolate; cocoa; chewing gum.....	80
10. Sandwiches.....	80
11. Dehydrated and dried soup and soup mixes.....	80
12. Canned and bottled foods (not included in other items); table syrup.....	80

TABLE VII—JAMS, JELLIES, PRESERVES, MARMALADES, AND FRUIT BUTTERS

Product	Type of fruit	Quantity of sugar allowed, in pounds, per pound of finished product
Jams, jellies, preserves, or marmalades (pounds).	Fresh or canned fruit, fruit juices, or tomatoes. Fruit frozen at ratio of fruit to sugar of: 3 to 1..... 4 to 1..... 5 to 1..... 6 to 1.....	0.67 .50 .54 .57 .59
Fruit butter.....	Fresh or dried fruit.....	.32

	Percentage of sugar base
13. Experimental, educational, demonstration, and testing purposes.....	80
14. Pharmaceuticals (internal); allergy foods; vitamin oils; cough drops.....	100
15. Pharmaceuticals (external).....	100
16. All other classes: Food.....	80
17. All other classes: Non-food.....	80

60. The undesignated center headnote "Sugar Ration Bank Accounts" and §§ 1407.260 to 1407.275, inclusive, are revoked.

This amendment shall become effective at 12:01 a. m. December 15, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. IE, 7 F.R. 662, 2965; Food Dir. No. 3, 8 F.R. 2005; § 1407.86b, Rationing Order No. 3)

Issued this 14th day of December, 1943.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 43-16333; Filed, December 15, 1943; 11:53 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

MEATS, FATS, FISH AND CHEESES

[RO 16; Amdt. 91] -

A rationale for this amendment has been issued simultaneously herewith and

* 8 F.R. 13123, 13394, 13980, 14339, 14623, 14724, 14825, 15253, 15454, 15524.

has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Article VII is amended to read as follows:

ARTICLE VII—INDUSTRIAL USERS AND INDUSTRIAL CONSUMERS

SEC. 7.1 Explanation of the terms industrial use, industrial user, and industrial user establishment. (a) Any use by a "person" of "foods covered by this order" in producing or manufacturing, for sale or "transfer", a food for human consumption, which is not covered by this order, or a pharmaceutical, is an "industrial use". (For example; use by a bakery of "shortening" in making bread, is an industrial use.) Industrial use also includes the use of a food covered by this order for experimental, educational, testing, or demonstration purposes, and the use of "rationed fats and oils" in the care and treatment of the sick. If a food covered by this order is used for a purpose for which the order does not otherwise provide, such use is "industrial consumption". (The way foods covered by this order may be "acquired" for industrial consumption is covered in sections 7.10 and 7.11.) However, the use of foods covered by this order for demonstration purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture is neither an industrial use nor industrial consumption. Moreover, the use of foods covered by this order in the preparation of food for service, or in the service of food, to "consumers", is an "institutional use" and not an industrial use. (An "institutional user" may obtain allotments of foods, and may use such foods, only in accordance with the provisions of General Ration Order 5.)

(b) Any place where a person makes an industrial use of foods covered by this order is an "industrial user establishment", and any person who has such an establishment is called an "industrial user" as to that establishment. An industrial user who ceases to make an industrial use of foods (other than temporarily) is not regarded as an industrial user after he ceases.

SEC. 7.2. Industrial users must register—(a) *General.* Every industrial user who operated his industrial user establishment at any time from January 1, 1942 to March 19, 1943, inclusive, must register his industrial user establishment with the Office of Price Administration, at any time from March 29, 1943 to April 10, 1943, inclusive, on OPA Form R-1605, in duplicate. The registration form must be completed and signed by the industrial user or his authorized agent.

(b) *Re-registration between December 15, 1943 and January 5, 1944.* Every industrial user who is registered under this

order on December 14, 1943, must re-register his industrial user establishment by filing OPA Form R-1200 at any time from December 15, 1943 to January 5, 1944, inclusive, in accordance with General Ration Order 16.

(c) *Industrial user must register all his establishments separately or as a unit.* An industrial user who has more than one industrial user establishment, must either register each establishment separately or all of them together. If he has more than one industrial user establishment, and registers them separately, each of those establishments must be treated and operated separately for all purposes of this order just as though the establishments were owned by different persons. If he registers them together, they must be treated as a unit for all purposes of this order. An industrial user who has more than one establishment which he registered together on OPA Form R-1605, may register all his establishments together or each separately when he re-registers them on OPA Form R-1200. Also, an industrial user who has more than one establishment which he registered separately on OPA Form R-1605, may register all his establishments together or each separately when he re-registers them on OPA Form R-1200.

(d) *Industrial user must register with the board.* Each industrial user must register with the "board" for the place where his industrial user establishment is located. If he has more than one industrial user establishment, and registers them together, the registration form must be filed with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(e) *Allocation of inventory and unused allotments.* An industrial user who has more than one industrial user establishment which he registers separately on OPA Form R-1200 may allocate any unused part of his prior allotments and the inventory of foods covered by this order which he has on the date of his re-registration among his various industrial user establishments as he wishes. An industrial user who has more than one industrial user establishment which were registered separately on OPA Form R-1605 and which he registers together on OPA Form R-1200, must assign all unused parts of prior allotments and the inventory of such foods which he has on the date of his re-registration for the use of all industrial user establishments as a unit.

SEC. 7.3 Industrial user may not do business unless he has registered. (a) No industrial user may acquire or use foods covered by this order at his industrial user establishment, after April 10, 1943, unless he has registered as required.

(b) No industrial user may acquire or use foods covered by this order at his industrial user establishment after January 5, 1944, until he has re-registered as required by General Ration Order 16.

SEC. 7.4 Industrial users must report their inventories. (a) As part of his registration, on OPA Form R-1605, an industrial user must report his inventory of foods covered by this order, at the close of business on March 28, 1943. If he has more than one industrial user establishment and registers them together, he must report his total inventory for all his establishments on the same registration form.

(b) An industrial user's inventory at his industrial user establishment consists of all foods covered by this order which are physically located at that establishment, or in transit to it. He may, however, assign to and include in the inventory of one of his industrial user establishments foods physically located at or in transit to another of his industrial user establishments. If he has any such foods at, or in transit to, any place which is not his industrial user establishment, for industrial use at that establishment, he must include them in the inventory of that establishment. If he has any such foods at or in transit to any place which is not an establishment of any type under this order, he must include them in the inventories of his establishments under this order, but he may divide them among those establishments as he chooses. If he includes in the inventory of an industrial user establishment any foods not physically located at or in transit to it, he must report the place where those foods are kept and the amount kept there which he is including in the inventory of his establishment. However, the following items are not part of his inventory:

(1) Foods stored for a person other than his customer or transferee, or held as security for a loan to someone else (or similar transaction), or in transit for either of these purposes;

(2) Foods included in the inventory of one of his other establishments of any type.

(c) In addition, within twenty days of the date on which any item is added to the foods covered by this order, every industrial user must report to the board with which he is registered, his inventory of that item, in pounds and point value, as of the date on which it becomes a food covered by this order. His inventory of that item shall be treated as excess inventory. He may, at the same time, apply for an increase in his allotment (for the allotment period in which such item is added to the foods covered by this order) by reason of that addition, in accordance with section 7.7 of this order. However, an industrial user of "canned milk" may not receive an allotment under section 7.7, based on his use of canned milk.

*Copies may be obtained from the Office of Price Administration.

SEC. 7.5 Industrial users must report their use of foods during certain quarterly periods. (a) As part of his registration on OPA Form R-1200, an industrial user must also report the number of pounds of foods covered by this order by classes, of which he made an industrial use at his industrial user establishment during 1942. These classes will be fixed by the Office of Price Administration in a supplement to this order. The report must show the amount he used during each of the following quarters in 1942, called base periods:

- (1) *First quarter:* January to March, inclusive;
- (2) *Second quarter:* April to June, inclusive;
- (3) *Third quarter:* July to September, inclusive;
- (4) *Fourth quarter:* October to December, inclusive.

He must include, in his report of his base-period use, any adjustments in that use authorized by the Office of Price Administration.

(b) If an industrial user establishment was not in operation for a full quarter, his industrial use of foods covered by this order at the establishment during that quarter is fixed, for all the purposes of this order, in the following way:

(1) If it was in operation during a part of the quarter:

(i) The amount of foods covered by this order so used there by him during that part of the quarter is determined;

(ii) That amount is divided by the number of days it was in operation during the quarter;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operation;

(iv) The resulting figure is treated as the amount so used during the quarter.

(2) If it was not in operation at all during the quarter but was in operation in any other part of 1942:

(i) The amount of foods covered by this order so used there by him during all of 1942 is determined;

(ii) That amount is divided by the number of days it was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(3) If it was not in operation at all during 1942, but was in operation at sometime between January 1, 1943 and March 19, 1943, inclusive:

(i) The amount of foods covered by this order so used there by him between January 1, 1943 and March 19, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days it was in operation between January 1, 1943 and March 19, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter. (If an industrial user's establishment was not in operation at any time from January 1, 1942 to March 19, 1943, inclusive, he is treated as a new industrial user as to that establishment under the provisions of section 13.3.)

(c) The rules set forth under (1) and (2) of paragraph (b) of this section do not apply where an industrial user's establishment was not in operation during all or part of a quarter because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1944.

(d) An industrial user must exclude the following from his base-period use reported on OPA Form R-1200:

(1) His use of foods covered by this order for demonstration purposes, when such use was under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture;

(2) His use of any item of food covered by this order having a zero point value at the time he applies for his allotment;

(3) His use of any foods covered by this order for which he is entitled to receive a provisional allowance under section 7.13.

SEC. 7.6. Industrial users' allotments—

(a) *General.* An industrial user is given an allotment to enable him to get and use foods covered by this order at his industrial user establishment. Allotments are given for fixed periods called allotment periods. The first allotment period for 1944 is from January 1 through March 31, 1944. The second period is from April 1 through June 30, 1944. The third period is from July 1 through September 30, 1944. The fourth period is from October 1 through December 31, 1944.

(b) *Application for allotments.* After December 14, 1943, no industrial user may apply for or receive any allotment for any 1943 allotment period. An industrial user's re-registration on OPA Form R-1200 is treated as an application for an allotment for the first allotment period of 1944. His application for an allotment for any other allotment period must be made, in person or by mail, to the board with which he is registered. No particular form need be used for such an application. The application must be made not more than fifteen days before, nor more than five days after, the begin-

ning of the period. The board may permit the application to be made at any time during the month preceding an allotment period under such circumstances as the "Washington Office" may direct. The board, in its discretion, may also permit an application to be made at any time within the allotment period. However, if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he applies for the allotment.

NOTE: An industrial user is permitted to use foods covered by this order only up to the amount of his allotment. He may therefore need an allotment even if his stocks are sufficient, since his allotment establishes his right to use these foods—it is not just a method by which he gets them.

(c) *Amount of allotment.* An industrial user's allotment is determined on the basis of his total use of foods covered by this order at his industrial user establishment during the quarterly period in 1942 corresponding to the allotment period. The amount of each class (the classes of foods are fixed in a supplement to this order) of foods covered by this order used by him during the corresponding quarter of 1942 for the classes of products or uses listed by him on Schedule I of OPA Form R-1200, is multiplied by a factor fixed in a supplement to this order for that class of foods and for that class of product or use. The numbers which result are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents both the average point value of the foods used and the reduction in use required as a result of the scarcity of those foods.)

(d) *Right to a certificate: excess inventory.* (1) An industrial user is entitled to get and use foods covered by this order up to the amount of his allotment. He is, therefore, given a certificate for the number of points he needs in order to get that amount. However, if he had stocks on hand, on March 28, 1943, when rationing of those foods began, he could use them for his allotment and therefore needed fewer points. For that reason, the point value of his inventory at the close of business on March 28, 1943, was deducted from his allotments. (The method of determining his inventory at the close of business on March 28, 1943, is covered by section 7.4.) If the point value of an industrial user's inventory on March 28, 1943, was less than his first allotment, he was entitled to get, from the board with which he registered, a certificate for the number of points needed to make up the difference. If the point value of his inventory was greater than his first allotment, the difference was excess inventory. In that case, he was not entitled to receive a certificate for the first allotment period, nor for any

subsequent allotment period until the total of his subsequent allotments exceeded his excess inventory.

(2) If an industrial user has or is chargeable with any excess inventory at the time he re-registers on OPA Form R-1200, that excess must be entered on the form at the time he re-registers his industrial user establishment. If he has more than one such establishment and registers them separately, he may allocate such excess inventory among them in any way he wishes. However, if an industrial user has more than one establishment which he re-registers separately, he must file with the board for the place where his principal business office is located, a statement of his total excess inventory of foods covered by this order, and the amount allocated to each of his establishments. The statement must be signed by the industrial user or his authorized agent.

(3) If the point value of an industrial user's excess inventory is less than his allotment for the first allotment period of 1944, he is entitled to get, from the board with which he registered, a certificate for the number of points needed to make up the difference. If the point value of such excess inventory is greater than his allotment for the first allotment period of 1944, he is not entitled to get a certificate for that allotment period. He is not entitled to get a certificate until the total of his subsequent allotments exceeds his excess inventory.

(e) *Issuance of certificates.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled during any allotment period, except that if he has more than one industrial user establishment and has registered them separately, he is to get a separate certificate for each, since separately registered establishments are treated separately.

(f) *Report of foods acquired point free or at reduced point values.* An industrial user who acquires foods covered by this order, after March 28, 1943, without giving up points, and who is not required by any other provision of this order to account for or turn over to the Office of Price Administration points for the point value of the foods so acquired, must report such acquisitions and the amount acquired, when applying for his next allotment. The point value of the amounts so acquired shall be treated as excess inventory. An industrial user must also report, when applying for his allotment, the amount and point value of foods covered by this order which he acquired during the preceding allotment period at a reduced point value under the provisions of section 10.11.

(g) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive as a result of an error, omission, or mistake made in his application or by his board, or by any other office of the Office of Price Administration, the amount of the excess shall be treated as excess inventory.

(h) *Industrial users who have unbalanced stocks.* If an industrial user is not entitled to receive a certificate because he has excess inventory, but finds that he does not have an adequate stock of a particular kind of food covered by this order, he may apply, on OPA Form R-315, to the board with which he is registered, for a certificate to enable him to get that kind. The application must show the kind and amounts of food which he needs and the reasons he needs it. If the board finds that he does not have an adequate stock of the particular food, it may issue to him a certificate for the number of points needed, up to one third of his allotment for that period. The points so issued must be treated as excess inventory. The granting of the application shall be treated as an increase in his allotment. The board may grant only one such application for an industrial user.

Sec. 7.7 *Registration after March 10, 1943—(a) Registration of persons whose use of foods becomes an industrial use because of changes in the foods covered by this order.* (1) Any person who becomes an industrial user, or whose use of certain foods becomes an industrial use, because the foods he uses in his operations are added to the foods covered by this order (or because he uses foods covered by this order in making products which were removed from the foods covered by this order) must register his use of those foods with the Office of Price Administration within twenty days after his use of the foods in question becomes an industrial use of foods covered by this order.

(i) If he is not already registered as an industrial user under this or any other food ration order of the Office of Price Administration, he must register his industrial user establishment by filing OPA Form R-1200, in duplicate, with the board for the place where his establishment is located. If he has more than one such industrial user establishment he must either register each establishment separately on a separate form or he must register all of them together on a single form. If he has more than one such establishment and registers them together, the registration form must be filed in person or by mail with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(ii) If he is already registered under any other food ration order he may register as an industrial user under this order by amending his registration on OPA Form R-1200 to show his use of the foods in question.

(iii) If he is already registered as an industrial user under this order he must amend his registration, on OPA Form R-1200 to show his use of the foods in question.

(2) He must give all the information called for by the form with respect to his use of the foods in question. In addition, he must attach to the form a statement showing the point value of his inventory of those foods as of the time his use of them became an industrial use.

(i) An industrial user who used the foods in question in his operations before March 29, 1943, must show on his registration his base-period use of those foods. If he did not use those foods in his operations during all of 1942, he may compute his use of those foods during each quarter in the way described in section 7.5 (b) and (c). If the board finds that he used those foods in his operations before March 29, 1943, it shall grant him an allotment for the allotment period in which he registers (or amends his registration) reduced in proportion to the portion of the allotment period which has elapsed at the time he registers (or amends his registration). However, an industrial user of canned milk may not receive any allotment under this section based on his use of canned milk.

(ii) An industrial user who is unable to establish a base-period use because he did not use the foods in question in his operations before March 29, 1943, must apply on OPA Form R-315 to the board with which he is registering for the assignment of a base-period use. His application must show:

- (a) The product the applicant makes;
- (b) The size of the establishment;
- (c) The amount invested in it;
- (d) The market supplied;
- (e) The date on which he started to use the foods in question;
- (f) His inventory of those foods;
- (g) The amount and kinds of foods used since he began operations;
- (h) The amount of base-period use requested; and

(i) That he became an industrial user because the foods he uses in his operations were added to the foods covered by this order (or because he uses foods covered by this order in making a product which was removed from the foods covered by this order).

The board may not pass on the application for the assignment of a base-period use but must forward it, together with all information received, to the district office. The board may attach its recommendation, if any, as to the action to be taken. If the district office finds that the applicant became an industrial user, or that his use of the foods in question became an industrial use, because the foods he uses in his operations were added to the foods covered by this order (or because he uses foods covered by this order in making a product which was removed from the foods covered by this order) it shall assign to him a base-period use of those foods. The board shall grant the applicant an allotment

on the basis of such assigned base-period use reduced in proportion to the portion of the allotment period which has elapsed at the time of his application. However, an industrial user of canned milk may not receive any allotment under this section based on his use of canned milk.

(b) *Late registration.* (1) The board may permit an industrial user who failed to register at the time required, to register and apply for an allotment at a later date. In his registration, he must report his inventory of foods covered by this order as of the first day of the period in which he was required to register.

(2) His allotment is computed in the same way as that of an industrial user who registered on time. However, he must not acquire or use foods covered by this order at his industrial user establishment until he registers, and the amount of his allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he registers. In addition, he may not receive any allotment for expired allotment periods.

Sec. 7.8 *Restriction on use of foods by industrial users.* (a) No industrial user may use for any purpose except an industrial use, foods covered by this order which are included in his inventory or which he acquired with points he received as an industrial user.

(b) No industrial user may use, during an allotment period, more foods covered by this order than his allotment for that period plus any unused part of his allotments for earlier periods. (However, any person who makes an industrial use of canned milk may use any canned milk which he acquired at zero point value under the provisions of section 10.11 even though he may not have an allotment as an industrial user under this order.) An industrial user may also use foods covered by this order up to the amount of an allotment for any future period, at any time after he has been granted that allotment. However, if he uses any part of that allotment prior to the beginning of the period for which it was granted, he shall, for purposes of this paragraph, be considered to have used it in the period for which it was granted.

(c) After December 31, 1943, no industrial user may use foods covered by this order to make a product or use not included in a class of products or uses checked by him on Schedule I of OPA Form R-1200. Furthermore, after December 31, 1943, no industrial user may use, to make any class of product or use, more foods covered by this order than the part of his allotment representing his base-period use of such foods for that class, as shown on OPA Form R-1200.

(d) Foods covered by this order acquired by an industrial user at less than their full point value under section 10.11 shall, for all the purposes of this Article, be considered to have the point value at which he acquired them.

(e) The restrictions imposed by this section on an industrial user's use of foods covered by this order do not apply

to items of such foods having a zero point value.

Sec. 7.9 *Industrial users must keep records.* (a) Every industrial user must keep a copy of his registration on OPA Form R-1605 and on OPA Form R-1200. He must also keep a record of his inventory at the close of business on March 28, 1943. If he has more than one industrial user establishment which he registers together, these records must be kept at his principal business office; otherwise, they must be kept at the establishment covered by them. He must also preserve his records showing his use of foods covered by this order during the quarters reported in his registration.

(b) In addition, each industrial user must keep, at the same place, a record of the amount of foods covered by this order which he acquires, the date of acquisition, and the amount of such foods used at his industrial user establishment during each allotment period.

Sec. 7.10 *Explanation of the terms industrial consumption, and industrial consumer.* (a) If a food covered by this order is used for a purpose for which the order does not otherwise provide, such use is industrial consumption. If a food covered by this order is used by a person as a consumer, primary distributor, industrial user, institutional user, or exempt agency, such use is not industrial consumption.

(b) Any person who engages in industrial consumption (of a food covered by this order) is called an "industrial consumer".

Sec. 7.11 *Industrial consumers may apply for points to acquire foods.* (a) An industrial consumer who needs rationed fats or oils, may apply, in writing, to the Fats and Oils Section, Food Distribution Administration, Washington, D. C., for permission to acquire and use them. If the application is granted, a certificate will be issued to the applicant by the Administrator of the Food Distribution Administration.

(b) If an industrial consumer needs any foods covered by this order, other than rationed fats or oils, he may apply, on OPA Form R-315, to the district office for the place where his principal business office is located, for a certificate with which to acquire them. The application must show the kind and amount of the food needed, and the purpose for which it is to be used. The district office will send the application to the Washington Office for decision, or take such other action as the Washington Office may authorize or direct.

(c) An industrial consumer to whom a certificate is issued for industrial consumption may use it only to acquire the foods for which he applied, and may use those foods only for the purpose for which his application was granted.

Sec. 7.12 *Registration of industrial consumers who become industrial users.*

(a) Any person whose use of foods covered by this order is changed from industrial consumption of those foods to industrial use of them by reason of a

change in the definition of industrial use, must register as an industrial user of those foods, on OPA Form R-1200, in the way described in General Ration Order 16 (or, if he is already registered as an industrial user on OPA Form R-1200, he shall amend his registration to show his use of those foods), within 20 days after his use of those foods becomes an industrial use. He must report on that form his inventory of foods, and the number of points, held by him for industrial consumption as of the time his use of those foods becomes an industrial use. The amount of those foods and points shall be treated as excess inventory. After he registers on OPA Form R-1200, he shall be treated under this order in the same way as any industrial user.

Sec. 7.13 *Provisional allowance—*

(a) *General.* An industrial user is not entitled to receive an allotment for any use of foods covered by this order for which he is entitled to receive a provisional allowance.

(1) An industrial user may get a provisional allowance to enable him to acquire pork fatbacks, plates, or jowls to manufacture prepared dry bean products which are rationed under Ration Order 13.

(b) *How to apply.* Provisional allowances are granted for three-month periods, corresponding to the quarterly allotment periods for industrial users. An application for a provisional allowance for any period may be made at any time from 15 days before, to the end of, that period. However, no such application may be made for any period beginning on or after January 1, 1944 unless the applicant has already registered on OPA Form R-1200. The application must be made, on OPA Form R-315, to the board with which the industrial user is registered.

(1) An industrial user's application for a provisional allowance for pork fatbacks, plates, or jowls for use in manufacturing prepared dry bean products which are rationed under Ration Order 13, must contain the following information:

(i) The product made by him for which the provisional allowance is requested;

(ii) The number of pounds of dry beans which he expects to use to make the product during the period for which application is made;

(iii) The average number of pounds of pork fatbacks, plates, and jowls (stated separately for each item) he used during 1941 or 1942, or from January 1 to March 28, 1943, inclusive (whichever period he chooses), for each 100 pounds of dry beans used by him in making the product;

(iv) The amount, in pounds, of his last provisional allowance for pork fatbacks, plates, and jowls for the product;

(v) A report of his use of his last provisional allowance showing the number of pounds of pork fatbacks, plates, and jowls used (stated separately for each item), the number of pounds of dry

beans used, and the number of pounds of the product made; and

(vi) The number, if any, of unused points remaining from his last provisional allowance (or supplemental allotment, if any) for pork fatbacks, plates, and jowls for that product.

If he makes more than one product for which he is entitled to receive a provisional allowance, he may include them all in a single application. However, he must give all of the required information separately for each of the products.

(c) *Action on application.* The board shall grant the application if the applicant is entitled to receive a provisional allowance, and if the application gives all the information called for in paragraph (b) of this section.

(1) The amount of the provisional allowance for pork fatbacks, plates, and jowls for use in manufacturing prepared dry bean products shall be computed in the following way:

(i) The number of pounds of dry beans which the applicant expects to use during the quarter to make the product is multiplied by the number of pounds of pork fatbacks, the number of pounds of pork plates, and the number of pounds of pork jowls he used for each 100 pounds of dry beans to make the product during the period chosen by him under paragraph (b) (1) (iii);

(ii) The result in each case is multiplied by the factor fixed (in the supplement to this order) for provisional allowances for pork fatbacks, plates, or jowls to be used for that product;

(iii) The resulting figures are multiplied by the point values established on the Official Table of Trade Point Values for pork fatbacks, plates, or jowls, as the case may be;

(iv) These figures are added together and the result is his provisional allowance for the period.

The board shall issue to him a certificate for the amount of his provisional allowance less the point value of any unused balance of his last provisional allowance, or supplemental allotment, for pork fatbacks, plates, or jowls to make that product.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this order, he may use the points he receives only to acquire the particular food covered by this order for which the provisional allowance is granted, and he may use that food only for the purpose of making the product for which he received the provisional allowance.

(e) *Records.* An industrial user who, during any calendar month, uses a food covered by this order to make a product for which he is entitled to receive a provisional allowance, must, before the sixteenth day of the following month, file with his board a written report of the number of pounds of that food used by him during the preceding month to make the product for which he is entitled to receive a provisional allowance. The report must state the number of units (by sizes) of the product manufactured, the total number of pounds of the product manufactured, and the amount of foods

covered by this order, in pounds and point value, used by him in manufacturing that product. If he makes more than one product for which he is entitled to receive a provisional allowance, he must file a separate report for each product, giving the required information with respect to each.

(1) In addition, an industrial user who receives a provisional allowance for pork fatbacks, plates, or jowls to make prepared dry bean products must include in his report a statement of the number of pounds of dry beans used during the month covered by the report.

2. Section 9.2 (e) is amended to read as follows:

(e) *Industrial users.* (1) Every industrial user who has, or has assigned to him, during any quarterly period, from January 1, 1942 on, a quarterly-period use of 2,000 pounds of more of foods covered by this order, may open an account. If he has more than one industrial user establishment and they are registered together, he may open an account if the combined use at all those establishments is 2,000 pounds or more during any quarterly period. If he opens an account, he may either open one account for all or a separate account for any establishment or for any group of them which used 2,000 pounds or more during any quarterly period, but all must have an account. If they are registered separately, he may open accounts only for those establishments which have a quarterly-period use of 2,000 pounds or more. He may open separate accounts for any one or more of those establishments without opening accounts for the others. However, he may not use the same account for more than one establishment. Any industrial user who has opened a ration bank account and who is not entitled to have it under this Section, as amended, must close that account on or before January 15, 1944. Such an industrial user who has not reduced his account to zero on or before such date, may draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such check, at his board, for a certificate equal in point value to the amount of the check.

(2) Any industrial user who has more than one establishment and registers these establishments on OPA Form R-1200 in a way different from that in which they were previously registered on OPA Form R-1605 (by registering two or more establishments separately when they were previously registered together, or by registering two or more establishments together when they were previously registered separately) must make the appropriate changes in the designation of the establishments served by any ration bank accounts which he has opened. He shall also close any account that is no longer needed. Where an industrial user changes the establishments which are served by an account and it is necessary that he use some or all of the points in that account for an establishment that will no longer be served by the account, he may issue, on

or before January 15, 1944, the necessary checks to withdraw such points from the account, and may deposit them in the account which will serve the establishment for which he wishes to use the points, or if he has no account for such establishment, he may use the checks to obtain foods covered by this order for such establishment. Any industrial user who closes an account under this section may (after notifying the district office in the way provided in General Ration Order 3A) on or before January 15, 1944, draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified checks at his board for a certificate equal in point value to the amount of the check.

3. The first sentence of section 12.2 (c) (3) is amended by inserting the words "class of" between the words "same" and "product".

4. The first sentence of section 12.4 (b) (3) is amended by inserting the words "class of" between the words "same" and "product".

5. Section 15.6 is added to read as follows:

SEC. 15.6 Adjustment in base-period use of industrial user whose production in fourth quarter of 1942 was limited by General Preference Order M-71. (a) An industrial user whose industrial use of rationed fats and oils during the fourth quarterly period of 1942 was limited by General Preference Order M-71¹ may apply for an adjustment of his base-period use of rationed fats and oils during that period. The application must be made on OPA Form R-315 to the board with which he is registered. He must give the following information in his application:

(1) The number of pounds of each item of rationed fats and oils of which he made an industrial use during each of the fourth quarters of 1940, 1941 and 1942;

(2) A statement that his industrial use of rationed fats and oils during the fourth quarter of 1942 was limited by General Preference Order M-71.

(b) If the board finds that his industrial use of rationed fats and oils was limited by General Preference Order M-71, it shall add to his base-period use of those foods for the fourth quarter of 1942 the smaller of the two figures derived in the following way:

(1) 13 percent of his base-period use of rationed fats and oils; or

(2) The difference between his base-period use of those foods in the fourth quarter of 1942, and the average of his industrial use of those foods during the fourth quarters of 1940 and 1941.

In addition, and notwithstanding the provisions of section 7.6 (b) of this order, the board shall increase his allotment for the fourth quarter of 1943 on the basis of the applicant's adjusted base-period use. (The provisions of section

¹ 6 F.R. 6797; 7 F.R. 543, 5809, 7485, 8692, 9484, 9807; 8 F.R. 315.

7.6 (d) apply in determining whether or not the applicant shall be entitled to receive a certificate with respect to any such increase in his allotment, and in determining the amount of the certificate.)

This amendment shall become effective at 12:01 a. m., December 15, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20006; Filed, December 15, 1943;
11:53 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,² Corr. to Amdt. 83]

MEAT, FATS, FISH AND CHEESES

The designation, section 11.16, in Amendment 83 to Ration Order 16 is corrected to read, section 11.17.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20010; Filed, December 15, 1943;
11:53 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,² Amdt. 96]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 3591, 3714, 4892, 5408, 5758, 6840, 7264, 7492, 8869, 9203, 10090, 10728, 11688, 12299, 12444, 12549, 13164, 13165.

² 8 F.R. 11048, 11383, 11483, 11518, 11753, 11812, 12026, 12297, 12312, 12446, 12485, 12548, 12560, 12693, 13301, 13492, 13980, 14346, 14472, 14473, 14476, 14477, 14620, 14681, 14764, 14766, 14844, 15380, 15594.

1. Article VI is amended to read as follows:

ARTICLE VI—INDUSTRIAL USERS

SEC. 6.1 *Explanation of the terms industrial user and industrial user establishment.* (a) An "industrial user establishment" is any place at which "processed foods" are used in producing or manufacturing for sale or "transfer" any product which is not a processed food. (For example, a bakery at which canned peaches are used in baking peach pies, for sale or transfer, is an industrial user establishment. Canned peaches are processed foods, but peach pie is not.) A place at which processed foods are used in producing other processed foods is a "processor establishment" and not an industrial user establishment. (An example of this would be the use of canned peaches for making canned fruit salad since both canned peaches and canned fruit salad are processed foods.) Moreover, a place, such as a restaurant, at which processed foods are used in the preparation for service and the service of meals, would be an "institutional user establishment", and not an industrial user establishment. (An "institutional user" may obtain processed foods allotments, and may use processed foods, only in accordance with the provisions of General Ration Order 5.) It also includes any place (except a place where processed foods are used for sampling or demonstration in accordance with section 10.9 or a place where processed foods are used only for demonstration purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture) at which processed foods are used for experimental, educational, testing, or demonstration purposes.

(b) Any "person" who operates an industrial user establishment is called an "industrial user".

(c) A person who marks or labels dry beans, peas or lentils in accordance with applicable Federal or State seed laws (or, if none is applicable, in accordance with the standards stated in the Federal seed law), for sale or transfer as seed, does not thereby become an industrial user.

SEC. 6.2. *Industrial users must register.*—(a) *General.* Every industrial user must register his industrial user establishment with the Office of Price Administration, at any time from March 1, 1943 to March 10, 1943, inclusive, on OPA Form R-1308, in duplicate. The registration form must be completed and signed by the industrial user or his authorized agent.

(b) *Re-registration between December 15, 1943 and January 5, 1944.* Every industrial user who is registered under this order on December 14, 1943, must re-register his industrial user establishment by filing OPA Form R-1200 at any time from December 15, 1943 to January 5, 1944, inclusive, in accordance with General Ration Order 16.

(c) *Industrial user must register all his establishments separately or as a unit.* An industrial user who has more than one industrial user establishment, must either register each establishment sep-

arately or all of them together. If he has more than one industrial user establishment, and registers them separately, each of those establishments must be treated and operated separately for all purposes of this order just as though the establishments were owned by different persons. If he registers them together, they must be treated as a unit for all purposes of this order. An industrial user who has more than one establishment which he registered together on OPA Form R-1308 may register all his establishments together or each separately when he re-registers them on OPA Form R-1200.

(d) *Industrial users must register with the board.* Each industrial user must register with the "board" for the place where his industrial user establishment is located. If he has more than one industrial user establishment and registers them together, the registration form must be filed with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(e) *Allocation of inventory and unused allotments.* An industrial user who has more than one industrial user establishment which he registers separately on OPA Form R-1200, may allocate any unused part of his prior allotments and the inventory of processed foods which he has on the date of his re-registration among his various industrial user establishments as he wishes.

SEC. 6.3 *Industrial user may not do business unless he has registered.* (a) No industrial user may "acquire" or use processed foods at his industrial user establishment, after March 10, 1943, unless he has registered as required.

(b) No industrial user may acquire or use processed foods at his industrial user establishment after January 5, 1944 until he has re-registered as required by General Ration Order 16.

SEC. 6.4 *Industrial users must report their inventories.* (a) As part of his registration, on OPA Form R-1308, an industrial user must report the point value of his inventory of processed foods (by items) at the close of business on February 28, 1943. If he has more than one industrial user establishment, a separate inventory report for each establishment must be filed with his registration on OPA Form R-1308.

(b) His industrial user inventory consists of all processed foods included in the inventory of his industrial user establishments. The inventory of an industrial user establishment consists of all processed foods physically located at the establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for another person, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of any of his other establishments of any type.

(c) His industrial user inventory also includes all processed foods which he

holds at, or which are in transit to, any other place for his industrial user. However, processed foods included in the inventory of any establishment which is not an industrial user establishment must not be reported as part of his industrial user inventory.

(d) In addition, within 20 days of the date on which any item is added to the list of processed foods, every industrial user must report to the board with which he is registered, his inventory of that item, in pounds and point value, as of the date on which it becomes a processed food. His inventory of that item shall be treated as excess inventory. He may at the same time apply for an increase in his allotment (for the allotment period in which such item is added to the list of processed foods) by reason of that addition, in accordance with section 6.7 of this order.

SEC. 6.5 *Industrial users must report their base-period use.* (a) As part of his registration on OPA Form R-1200, an industrial user must report the number of pounds of processed foods he used in his industrial user establishment during 1942. The report must show the amount he used during each of the following quarters in 1942, called base periods:

- (1) January to March, inclusive;
- (2) April to June, inclusive;
- (3) July to September, inclusive;
- (4) October to December, inclusive.

(b) The report must show his use during those periods, of each of the following classes of processed foods:

- (1) Fruits;
 - (i) Canned and bottled,
 - (ii) Frozen,
 - (iii) Dried and dehydrated.
- (2) Vegetables;
 - (i) Canned and bottled,
 - (ii) Frozen.
- (3) Miscellaneous;
 - (i) Dry beans,
 - (ii) "Jams", "jellies", "marmalades", "preserves" and "fruit butters".

In addition, the report must show his use, during those periods, of fruit and vegetable juices in containers over one gallon.

(c) He must include, in his report of his base-period use, any adjustments in that use authorized by the Office of Price Administration.

(d) If an industrial user establishment was not in operation for a full quarter, his industrial use of processed foods during that quarter is fixed, for all the purposes of this order, in the following way:

(1) If the establishment was in operation during a part of the quarter:

(i) The amount of such foods used by him at his industrial user establishment during that part of the quarter is determined;

(ii) That amount is divided by the number of days the establishment was in operation during the quarter;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(2) If the establishment was not in operation at all during the quarter but was in operation in any other part of 1942:

(i) The amount of such foods used by him at his industrial user establishment during all of 1942 is determined;

(ii) That amount is divided by the number of days the establishment was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(3) If the establishment was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and February 28, 1943, inclusive:

(i) The amount of processed foods used by him at his industrial user establishment between January 1, 1943 and February 28, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days the establishment was in operation between January 1, 1943 and February 28, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the quarter. (If the establishment of an industrial user was not in operation at any time from January 1, 1942 to February 28, 1943, inclusive, he is treated as a new industrial user as to that establishment and must apply for permission to register as a new industrial user under the provisions of this order.)

(e) The rules set forth under (1) and (2) of paragraph (d) of this Section do not apply where an industrial user's establishment was not in operation during all or part of a quarter because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1944.

(f) An industrial user must exclude the following from his base-period use reported on OPA Form R-1200:

(1) His use of processed foods for demonstration purposes, when such use was under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture;

(2) His use of any item of processed foods having a zero point value at the time he applies for his allotment.

SEC. 6.6 *Industrial users' allotments.*

(a) *General.* An industrial user is given an allotment to enable him to get and use processed foods at his industrial user establishment. Allotments are given for fixed periods called allotment periods. The first allotment period for 1944, is from January 1 through March 31, 1944. The second period is from April 1 through June 30, 1944. The third period is from July 1 through September 30, 1944. The fourth period is from October 1 through December 31, 1944.

(b) *Application for allotments.* After December 14, 1943, no industrial user

may apply for or receive any allotment for any 1943 allotment period. An industrial user's re-registration on OPA Form R-1200 is treated as an application for an allotment for the first allotment period of 1944. His application for an allotment for any other allotment period must be made, in person or by mail, to the board with which he is registered. No particular form need be used for such an application. The application must be made not more than fifteen days before, nor more than five days after, the beginning of the period. The board may permit the application to be made at any time during the month preceding an allotment period under such circumstances as the "Washington Office" may direct. The board, in its discretion, may also permit an application to be made at any time within the allotment period. However, if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he applies for the allotment.

NOTE: An industrial user is permitted to use processed foods only up to the amount of his allotment. He may therefore, need an allotment even if his stocks are sufficient, since his allotment establishes his right to use processed foods—it is not just a method by which he gets them.

(c) *Amount of allotment.* An industrial user's allotment is determined on the basis of his total use of processed foods at his industrial user establishment during the quarterly period in 1942 corresponding to the allotment period. The amount of each class of processed foods (set forth in section 6.5 (b)) used by him during the corresponding quarter of 1942 for the classes of products or uses listed by him on Schedule I of OPA Form R-1200, is multiplied by a factor fixed in a supplement to this order for that class of processed foods and for that class of product or use. The numbers which result are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents both the average point value of the processed foods used and the reduction in use required as a result of the scarcity of processed foods.)

(d) *Right to a certificate: excess inventory.* (1) An industrial user is entitled to get and use processed foods up to the amount of his allotment. He is, therefore, given a "certificate" for the number of points he needs in order to get that amount. However, if he had stocks on hand, on February 28, 1943, when rationing of processed foods began, he could use them for his allotment and therefore needed fewer points. For that reason, the point value of his inventory at the close of business on February 28, 1943, was deducted from his allotments. (The method of determining his inventory at the close of business on February 28, 1943, is covered by section 6.4.) If the point value of an industrial user's inventory on February 28, 1943, was less than his first allotment, he was entitled

to get, from the board with which he registered, a certificate for the number of points needed to make up the difference. If the point value of his inventory was greater than his first allotment, the difference was excess inventory. In that case, he was not entitled to receive a certificate for the first allotment period, nor for any subsequent allotment period until the total of his subsequent allotments exceeded his excess inventory.

(2) If an industrial user has or is chargeable with any excess inventory at the time he re-registers on OPA Form R-1200, that excess must be entered on the form at the time he re-registers his industrial user establishment. If he has more than one such establishment and registers them separately, he may allocate such excess inventory among them in any way he wishes. However, if an industrial user has more than one establishment which he re-registers separately, he must file with the board for the place where his principal business office is located, a statement of his total excess inventory of processed foods and the amount allocated to each of his establishments. The statement must be signed by the industrial user or his authorized agent.

(3) If the point value of an industrial user's excess inventory is less than his allotment for the first allotment period of 1944, he is entitled to get, from the board with which he re-registers, a certificate for the number of points needed to make up the difference. If the point value of such excess inventory is greater than his allotment for the first allotment period of 1944, he is not entitled to get a certificate for that allotment period. He is not entitled to get a certificate until the total of his subsequent allotments exceeds his excess inventory.

(e) *Issuance of certificates.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled during any allotment period, except that if he has more than one industrial user establishment and has registered them separately, he is to get a separate certificate for each, since separately registered establishments are treated separately.

(f) *Report of processed foods acquired point-free or at reduced point values.* An industrial user who, between March 1 and October 4, 1943, inclusive, produced processed foods, or, at any time after February 28, 1943, acquired processed foods without giving up points, and who is not required by any other provision of this order to account for or turn over to the Office of Price Administration points for the point value of the processed foods so produced or acquired, must report such production and acquisition and the amount produced or acquired when applying for his next allotment. The processed foods so produced or acquired shall be treated as excess inventory. An industrial user must also report, when applying for his allotment, the amount and point value of processed foods acquired by him during the preceding allotment period at a reduced

point value under the provisions of Section 9.11.

(g) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive, as a result of an error, omission, or mistake made in his application or by his board, or by any other office of the Office of Price Administration, the amount of the excess shall be treated as excess inventory.

(h) *Industrial users who have unbalanced stocks.* If an industrial user is not entitled to receive a certificate because he has excess inventory, but finds that he does not have an adequate stock of a particular kind of processed foods, he may apply, on OPA Form R-315, to the board with which he is registered for a certificate to enable him to get that kind. The application must show the kind and amount of food which he needs and the reasons he needs it. If the board finds that he does not have an adequate stock of the particular food, it may issue to him a certificate for the number of points needed, up to one third of his allotment for that period. The points so issued must be treated as excess inventory. The granting of the application shall not be treated as an increase in his allotment. The board may grant only one such application for an industrial user.

(i) *Industrial users may apply for points with which to make advance purchases of frozen foods.* An industrial user may apply at any time before August 15, 1943 for points with which to acquire, in advance, frozen processed foods. The application must be made on OPA Form R-315 to the board with which he is registered and must state the amount of frozen processed foods he wishes to acquire under this paragraph. The board may issue a certificate to the applicant. However, the number of points issued must not exceed an amount computed in the following way:

(1) Determine the total number of pounds of frozen processed foods which the applicant used from September 1 through December 31, 1942, inclusive, and from January 1 through April 30, 1942, inclusive;

(2) Multiply that number by 2.4;

(3) Deduct the amount of his excess inventory.

The points so issued must then be treated as excess inventory. One half of the points so issued must be deducted from any certificate issued to the applicant for the third allotment period of 1943 and the balance must be deducted from any certificate issued to him for the first allotment period of 1944.

Sec. 6.7 *Registration after March 10, 1943—(a) Registration of persons whose use of processed foods becomes an industrial use because of changes in the list of processed foods.* (1) Any person who becomes an industrial user, or whose use of certain foods becomes an "industrial use," because the foods he uses in his operations are added to the list of

processed foods (or because he uses processed foods in making products which were removed from the list of processed foods) must register his use of those foods with the Office of Price Administration within 20 days after his use of the foods in question becomes an industrial use of processed foods.

(i) If he is not already registered as an industrial user under this or any other food ration order of the Office of Price Administration, he must register his industrial user establishment by filing OPA Form R-1200, in duplicate, with the board for the place where his establishment is located. If he has more than one such industrial user establishment he must either register each establishment separately on a separate form or he must register all of them together on a single form. If he has more than one such establishment and registers them together, the registration form must be filed in person or by mail with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(ii) If he is already registered under any other food ration order he may register as an industrial user under this order by amending his registration on OPA Form R-1200 to show his use of processed foods.

(iii) If he is already registered as an industrial user under this order he must amend his registration, on OPA Form R-1200, to show his use of the foods in question.

(2) He must give all the information called for by the form with respect to his use of the foods in question. In addition, he must attach to the form a statement showing the point value of his inventory of those foods as of the time his use of them became an industrial use.

(i) An industrial user who used the foods in question in his operations before March 1, 1943, must show on his registration his base-period use of those foods. If he did not use those foods in his operations during all of 1942, he may compute his use of those foods during each quarter in the way described in section 6.5 (d) and (e). If the board finds that he used those foods in his operations before March 1, 1943, it shall grant him an allotment for the allotment period in which he registers (or amends his registration) reduced in proportion to the portion of the allotment period which has elapsed at the time he registers (or amends his registration).

(ii) An industrial user who is unable to establish a base-period use because he did not use the foods in question in his operations before March 1, 1943, must apply on OPA Form R-315 to the board with which he is registering for the assignment of a base-period use. His application must show:

- (a) The product the applicant makes;
- (b) The size of the establishment;
- (c) The amount invested in it;
- (d) The market supplied;

(e) The date on which he started to use the foods in question;

(f) His inventory of those foods;

(g) The amount and kinds of foods used since he began operations;

(h) The amount of base-period use requested; and

(i) That he became an industrial user because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods).

The board may not pass on the application for the assignment of a base-period use but must forward it, together with all information received, to the district office. The board may attach its recommendation, if any, as to the action to be taken. If the district office finds that the applicant became an industrial user, or that his use of the foods in question became an industrial use, because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods, it shall assign to him a base-period use of these foods. The board shall grant the applicant an allotment on the basis of such assigned base-period use reduced in proportion to the portion of the allotment period which has elapsed at the time of his application.

(b) *Late registration.* (1) The board may permit an industrial user who failed to register at the time required, to register and apply for an allotment at a later date. In his registration, he must report his inventory of processed foods as of the first day of the period in which he was required to register.

(2) His allotment is computed in the same way as that of an industrial user who registered on time. However, he must not acquire or use processed foods at his industrial user establishment until he registers, and the amount of his allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he registers. In addition, he may not receive any allotment for expired allotment period.

SEC. 6.8 Restrictions on use of processed foods by industrial users. (a) No industrial user may use for any purpose except an industrial use, processed foods which are included in his inventory or which he acquired with points he received as an industrial user.

(b) No industrial user may use, during an allotment period, more processed foods than his allotment for that period plus any unused part of his allotments for earlier periods. He may also use processed foods up to the amount of an allotment for any future period, at any time after he has been granted that allotment. However, if he uses any part of that allotment prior to the beginning of the period for which it was granted, he shall, for purposes of this paragraph, be considered to have used it in the period for which it was granted.

(c) After December 31, 1943, no industrial user may use processed foods to

make a product or use not included in a class of products or uses checked by him on Schedule I of OPA Form R-1200. Furthermore, after December 31, 1943, no industrial user may use, to make any class of product or use, more processed foods than the part of his allotment representing his base-period use of processed foods for that class, as shown on OPA Form R-1200.

(d) Processed foods acquired by an industrial user at less than their full point value under section 9.11 shall, for all the purposes of this article, be considered to have the point value at which he acquired them.

(e) The restrictions imposed by this section on an industrial user's use of processed foods do not apply to items of processed food having a zero point value.

SEC. 6.9 Industrial users must keep records. (a) Every industrial user must keep a copy of his registration on OPA Form R-1308 and on OPA Form R-1200. He must also keep a record of his inventory at the close of business on February 28, 1943. If he has more than one industrial user establishment which he registers together, these records must be kept at his principal business office; otherwise, they must be kept at the establishment covered by them. He must also preserve his records showing his use of processed foods during the period for which he reported in his registration.

(b) In addition, each industrial user must keep, at the same place, a record of the amount of processed foods he acquires and the date of acquisition, and the amount of processed foods used at his industrial user establishment during each allotment period. He must also keep there a record of the amount of the following items used by him:

(1) Fruit and vegetable juices in containers over 1 gallon.

SEC. 6.10 Users of dried or dehydrated fruits which are not processed foods are governed by special rules. Any person who uses dried or dehydrated fruits, whether or not they are processed foods, in producing or manufacturing for sale or transfer any product which is not a processed food, is an industrial user. He must register under the provisions of this order in the same manner as any other industrial user. He shall include, in his registration, his use of dried or dehydrated fruits of any kind during each base period, and the board shall include that use in computing his allotment. However, he shall not include dried or dehydrated fruits other than dried prunes or raisins in reporting his inventory.

2. Section 8.2 (d) is amended to read as follows:

(d) *Industrial users.* (1) Every industrial user who has, or has assigned to him, a quarterly-period use of 2,000 pounds or more of processed foods during any quarterly period from January 1, 1942 on, may open an account. If he has more than one industrial user establishment and they are registered together, he may open an account if the

combined use at all those establishments is 2,000 pounds or more during any quarterly period. If he opens an account, he may either open one account for all, or a separate account for any establishment or for any group of them which used 2,000 pounds or more during any quarterly period, but all must have an account. If they are registered separately, he may open accounts only for those establishments which have a quarterly period use of 2,000 pounds or more. He may open separate accounts for any one or more of those establishments without opening accounts for the others. However, he may not use the same account for more than one establishment. Any industrial user who has opened a ration bank account and who is not entitled to have it under this section, as amended, must close that account on or before January 15, 1944. Such an industrial user who has not reduced his account to zero on or before such date, may draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check, at his board, for a certificate equal in point value to the amount of the check.

(2) Any industrial user who has more than one establishment and registers those establishments on OPA Form R-1200 in a way different from that in which they were previously registered on OPA Form R-1308 (by registering two or more establishments separately when they were previously registered together) must make the appropriate changes in the designation of the establishments served by any ration bank accounts which he has opened. He shall also close any account that is no longer needed. Where an industrial user changes the establishments which are served by an account and it is necessary that he used some or all of the points in that account for an establishment that will no longer be served by the account, he may issue, on or before January 15, 1944, the necessary checks to withdraw such points from the account, and may deposit them in the account which will serve the establishment for which he wishes to use the points, or if he has no account for such establishment, he may use the checks to obtain processed foods for such establishment. Any industrial user who closes an account under this section may (after notifying the district office in the way provided in General Ration Order 3A) on or before January 15, 1944, draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check at his board for a certificate equal in point value to the amount of the check.

3. The first sentence of section 9.5 (e) (4) is amended by inserting "which are or may be registered together," between the word "person," and the words "and points".

4. The headnote to section 9.6 is amended to read as follows:

SEC. 9.6 *Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.*

5. Section 9.6 (b) is added to read as follows:

(b) The rules set forth above which apply to transfers from one person to another also apply to transfers between establishments of the same type which are operated by the same person but which are registered separately under this order.

6. The headnote to section 10.4 is amended to read as follows:

SEC. 10.4 *Stocks of processed foods may be moved point free between establishments of the same person which are registered together.*

7. The first sentence of section 10.4 (a) is amended by substituting a comma for the period at the end thereof and then adding the following: "if those establishments are registered together."

8. The first sentence of section 11.2 (c) (3) is amended by inserting the words "class of" between the words "same" and "product".

9. Section 11.2 (e) is amended by substituting a comma for the period at the end thereof and then adding the following: "whether or not they were registered separately."

10. Section 11.2 (f) is amended to read as follows:

(f) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a), (b), (c) and (d) of this section must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all, of them, the procedure described in paragraphs (a) and (c) of this section must be followed, except that the transferor must also apply to the board with which he registered for a redetermination of his allotment and base-period use. The board shall send the application and notices of both parties, and the transferor's registration, to the district office. If the district office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the

allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

11. The first sentence of section 11.3 (b) (3) is amended by inserting the words "class of" between the words "same" and "product".

12. Section 13.1 (c) (2) is amended to read as follows:

(2) A person who has several industrial user establishments, which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in paragraph (a) of this section as to each of the establishments at which he goes out of business.

13. Section 13.1 (c) (3) is added to read as follows:

(3) A person who has several industrial user establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office. The district office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base-period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration points equal to the reduction. If he does not have points to give up, the amount of the reduction shall be treated as excess inventory.

This amendment shall be effective at 12:01 a. m., December 15, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20005; Filed, December 15, 1943; 11:54 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13, Amdt. 33 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (b) is amended to read as follows:

(b) The industrial user factors (referred to in section 6.6 (c) of Ration Order 13) are as follows:

(1) For the allotment period from January 1, 1944 to March 31, 1944, inclusive:

Processed foods	Class of product or use (on Schedule I of OPA Form R-1200)	Factor
(i) Fruits:		
(a) Canned and bottled.....	All.....	10
(b) Frozen.....	All.....	9
(c) Dried and dehydrated.....	All.....	4.6
(ii) Vegetables:		
(a) Canned and bottled.....	All.....	10
(b) Frozen.....	All.....	9
(iii) Miscellaneous:		
(a) Dry beans.....	All.....	2
(b) Jellies, jams, marmalades, preserves, fruit butters.....	All.....	4

This amendment shall become effective at 12:01 a. m. December 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19393; Filed, December 15, 1943; 11:58 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 283, Amdt. 14]

SPECIFIC MAXIMUM PRICES IN ALASKA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 288 is amended in the following respects:

1. Section 1418.355 (a) (1) and (2) are deleted.

2. Section 1418.363 (a) is amended to read as follows:

(a) *Table I: Maximum prices of turkeys—(1) Definitions.* When used in this paragraph, the term:

(i) "Drawn turkey" means a dressed hen or tom turkey from which the head, shank, crop, entrails and gall bladder have been wholly removed without con-

*Copies may be obtained from the Office of Price Administration.

18 F.R. 1240, 3949, 4892, 5318, 5341, 5757, 6138, 6364, 7583, 8063, 8705, 9203, 10035, 10039, 10728, 11387, 11447, 11483, 11812, 12026, 12181, 12239, 13390, 13394, 14764, 14818, 15328.

7 F.R. 10531, 11012; 8 F.R. 23, 567, 2153, 2445, 6364, 3844, 8184, 12549, 13166, 14305, 16514.

tamination of the body cavity, the gizzard cleaned, and the cleaned gizzard, heart and liver then included with the carcass.

(ii) "Quick frozen eviscerated turkey" means a dressed and singed hen or tom turkey, from which the head, shank, crop, windpipe, esophagus, entrails, gall bladder, lungs, kidney and oilsac have been removed, the giblets of which have been cleaned, wrapped and replaced, and the whole, whether in carcass, split or dis-

membered form, then individually wrapped or packaged in cartons or boxes, frozen at quick freezing temperatures and ready for cooking upon removal from the package.

(iii) "Regular or dressed turkey" means a hen or tom turkey killed, bled and plucked, but not eviscerated.

(2) *Maximum prices for young Grade A turkeys.* The maximum prices per pound for young Grade A turkeys sold at retail shall be:

Hens and toms by type and weight	Ketchikan	Wrangell Petersburg	Juneau Douglas	Skagway Haines	Sitka
Dressed, under 16 lbs.	\$0.62	\$0.62	\$0.62½	\$0.62½	\$0.62½
Dressed, 16-20 lbs.	0.59	0.59	0.59	0.59	0.59
Dressed, 20 lbs. and over	0.57	0.57	0.57½	0.57½	0.57½
Drawn, under 13 lbs. after drawing	0.72½	0.72½	0.72½	0.72½	0.73
Drawn, 13 lbs to 16½ lbs after drawing	0.69	0.69	0.69	0.69	0.69
Drawn, 16½ lbs. and over after drawing	0.66	0.66	0.66	0.66½	0.66½
Quick-frozen eviscerated and pkged, under 13 lbs.	0.77	0.77	0.77	0.77	0.77
Quick-frozen eviscerated and pkged, 13 lbs-16½ lbs.	0.72½	0.72½	0.73	0.73	0.73
Quick-frozen eviscerated and pkged, 16½ lbs. and over	0.70	0.70	0.70	0.70	0.70½

Hens and toms by type and weight	Cordova Valdez Seward	Kodiak	Anchor- age	Palmer	Fair- banks
Dressed, under 16 lbs.	\$0.64½	\$0.65	\$0.65½	\$0.67	\$0.70½
Dressed, 16-20 lbs.	0.61½	0.62½	0.63½	0.64	0.63
Dressed, 20 lbs. and over	0.59½	0.60½	0.61½	0.62	0.61
Drawn, under 13 lbs. after drawing	0.75	0.76	0.77	0.78	0.81½
Drawn, 13 lbs. to 16½ lbs. after drawing	0.71½	0.72	0.73	0.74	0.78
Drawn, 16½ lbs. and over after drawing	0.68½	0.69½	0.70½	0.71½	0.76
Quick-frozen eviscerated and packaged, under 13 lbs.	0.79½	0.80½	0.81½	0.82½	0.85
Quick-frozen eviscerated and packaged, 13 lbs.-16½ lbs.	0.74½	0.75	0.76½	0.77	0.81
Quick-frozen eviscerated and packaged, 16½ lbs. and over	0.72½	0.73½	0.74½	0.75½	0.79

(3) *Maximum prices for other turkeys.* The maximum prices per pound for other turkeys sold at retail shall be:

(i) Old turkeys, Grade A: deduct 2½¢ per pound from the corresponding weight, class and type set forth in the table in subparagraph (2).

(ii) Grade B turkeys (including hard scalded): deduct 2¢ per pound from the price for the Grade A turkey corresponding in age, weight, class and type.

(iii) Grade C turkeys: deduct 5¢ per pound from the price for the Grade A turkey corresponding in age, weight, class and type.

(iv) The definitions of age, weight, type and grade of turkeys shall be those set forth in the United States Department of Agriculture "Tentative U. S. Standards for Classes and Grades for Dressed Turkeys".

(v) The maximum retail prices for all other grades of turkeys sold in the places set forth above, and for all grades of turkeys sold in other places in the Territory of Alaska shall continue to be established by Maximum Price Regulation 194.

(4) *Invoices.* The seller at retail of any turkey, which is priced by this paragraph shall give an invoice to the purchaser which shall set forth the name and address of the seller, the date of sale, and the age, type, grade, weight and price of each turkey sold.

This amendment shall become effective as of November 22, 1943.

* 7 F.R. 5909, 6268, 5744, 8023, 8359, 8947, 9195, 10231, 10790, 11012; 8 F.R. 856.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20000; Filed, December 15, 1943;
11:56 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373; Amdt. 27]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The table following section 37 (b) is amended by changing the model "Admiral 4220D5" to read "Admiral: 422D5"; by deleting the last item under "Panamuse Capehart"; by adding new models to the makes Admiral Detrola, Motorola, Olympic, Templetone, and Traveler; and by adding the new makes Airline, Fada, Federal, Franklin, General Industries, Hammerlund, Howard, Imperial, Karadio, Kenwood Midwest, New Process,

* Copies may be obtained from the Office of Price Administration.

* 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437-11849, 12299, 12703, 13023, 13342, 13500, 14139.

Remler, Setchell Carlson, Sonora, Spar-ton and Webster; all to read as follows:

Model:	Celling
Admiral:	
16B5	\$29.15
Detrola:	
EP2124	35.95
3782	38.95
Motorola:	
302	35.00
352	41.00
402	45.00
452	53.50
552	64.00
61T21	43.00
61L11	40.50
81F22	169.50
61F23	130.95
Chairside	109.95
46C1	51.50
49BU	61.70
39B	61.75
52S	51.00
Olympic:	
P51	41.05
Templetone:	
G93	158.50
Traveler:	
T530	33.95
Airline:	
14WG-499 Comb	79.50
Fada:	
Baby Grand Table	64.50
Federal:	
118 Recorder	165.00
Franklin:	
E43	316.50
E43A with cabinet	164.00
E43A without cabinet	146.50
E43X	233.00
V76	71.50
70	165.00
E4384	433.50
E43T	185.00
General Industries:	
201 Changer	32.50
SWP200 Changer	25.95
950 AWP Record Changer	36.50
201 ARP Record Changer	42.50
Hammerlund:	
HQ-120 XG Receiver	280.00
SP-220X Receiver	550.00
Howard:	
810	253.00
892	32.50
Imperial:	
4200-S Record Player	33.95
Karadio:	
1162	73.75
1179	88.00
Kenwood:	
Converted Table Model	53.95
Midwest:	
446B with Detrola Changer	345.00
New Process:	
1201 Record Changer	41.12
1301 Record Changer	31.12
Remler:	
442C	91.00
Setchell Carlson:	
421 RD	37.31
Sonora:	
LU170	24.50
LD161	35.50
MC190	35.80
MC176	32.30
Sparton:	
842SX	93.50
652SXD	44.95
581	28.95
Webster Record Changer:	
M61	99.50

This amendment shall become effective as of November 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20001; Filed, December 15, 1943;
11:59 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-7, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN WEST VIRGINIA

A statement of the considerations involved in the issuance of this Amendment No. 1 to Restaurant Maximum Price Regulation No. 3-7 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Restaurant Maximum Price Regulation No. 3-7 is amended in the following respects:

1. Section 3, (c) is amended to read as follows:

(c) *Legal holidays.* (1) Your ceiling prices for food items or meals served on these days designated legal holidays by Federal law or the law of the State in which the establishment is located may be the same as your Sunday ceiling prices for such establishment.

(2) Where you customarily charged higher than Sunday prices for meals and food items served on Thanksgiving Day, Christmas Day, New Year's Eve, New Year's Day, and Easter, you may continue to charge higher prices on such special holidays, *Provided however*, That such higher prices shall in no event exceed 115% of your ceiling prices for Sundays as established under this order.

This amendment shall become effective November 19, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808).

Issued November 19, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 43-20002; Filed, December 15, 1943;
11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 41]

EXCEPTIONS FOR CERTAIN SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Paragraph (a) (2) of § 1499.46 is amended to read as set forth below:

§ 1499.46 *Exceptions for certain services.* (a) The provisions of the General Maximum Price Regulation, other

*Copies may be obtained from the Office of Price Administration.

than § 1499.11 (a), shall not apply to the following services during the period specified.

(2) From April 10, 1943, to February 1, 1944, inclusive, to the storage of property and services incidental thereto (other than cold storage and other than tank storage of liquid commodities) for the War Department.

This amendment shall become effective December 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20003; Filed, December 15, 1943;
11:54 a. m.]

TITLE 33—NAVIGATION AND NAVI- GABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 9.—REGULATIONS RELATING TO THE REMOVAL AND EXCLUSION OF PERSONS FROM VESSELS AND WATERFRONT FACILI- TIES

Under the authority of section 1, Title II, of the act of June 15, 1917, c. 30, 40 Stat. 220 (50 U.S.C. 191), the regulations issued pursuant thereto, and Executive Order No. 9074 (7 F.R. 1587), and pursuant to the act of July 9, 1943 (Public Law 127, 78th Cong.), the following regulations relating to the removal and exclusion of persons from vessels and waterfront facilities are hereby promulgated and approved:

Sec.

9.1 Definition.

9.2 Exclusions and removals.

9.3 Penalty.

9.4 Separability.

§ 9.1 *Definition.* As used in this part, the term "waterfront facility" is limited to piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings, and does not include such waterfront facilities as may be directly operated by the War Department.

§ 9.2 *Exclusions and removals.* The Commandant, U. S. Coast Guard, and subject to his direction and supervision, District Coast Guard Officers and Captains of the Port, may exclude and remove from vessels and waterfront facilities any person whose presence thereon such officer finds reasonable grounds to believe would, for any reason, constitute a menace to the national security or to the safety of life or property; and may order any such person to leave and desist from entry upon or into any and all vessels and waterfront facilities. The Commandant, U. S. Coast Guard, may from time to time, direct the procedures

to be followed under this section and prescribe the form and manner of any hearings, notices, orders or reviews in connection therewith. He may prescribe procedures for temporary exclusions and for permanent exclusions for the duration of the war. Temporary exclusions, as preliminary precautionary measures, may be made prior to an opportunity for a hearing, pending final decision in the case; but any person temporarily excluded shall be accorded an opportunity for a hearing as soon thereafter as may be practicable and a final decision shall be made as promptly as practicable whether to vacate the temporary exclusion or render it permanent for the duration of the war. No permanent exclusion shall be ordered without first according the person involved an opportunity for a hearing. No person ordered excluded shall enter or remain upon any vessel or waterfront facility while the order of exclusion, permanent or temporary, remains in effect.

§ 9.3 *Penalty.* Wilful violation of any regulation contained in this part or of any order issued thereunder is a misdemeanor punishable by a fine of not to exceed \$5,000 or imprisonment for not more than one year, or both, under the Act of July 9, 1943 (Public Law 127, 78th Cong.).

§ 9.4 *Separability.* If any provision of the regulations contained in this part or the application of such provision to any person, vessel, waterfront facility, or circumstance, shall be held invalid the validity of the remainder of the regulations contained in this part and the applicability of such provision to other persons, vessels, waterfront facilities, or circumstances, shall not be affected thereby.

R. R. WAESCHE,

Vice Admiral, U. S. Coast Guard,
Commandant.

Approved: 19 November, 1943.

FRANK KNOX,

The Secretary of the Navy.

Approved: December 7, 1943.

FRANKLIN D ROOSEVELT

The White House.

[F. R. Doc. 43-18980; Filed, December 15, 1943;
9:23 a. m.]

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGE AT HODGES FERRY, VA.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the provisions of § 203.241 (8 F.R. 15610, 16171, 16298) are hereby extended to include the Virginia Department of Highways bridge across the Western Branch of Elizabeth River, at Hodges Ferry, Virginia, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River*

and its tributaries; bridges where constant attendance of draw tenders is not required. * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

Elizabeth River, Va., Western Branch; Virginia Department of Highways bridge at Hodges Ferry, Va. (At least eight hours' advance notice required.) (Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. 8 November 1943, CE 800.211 SPEKH, as amended 30 November 1943, CE 823 (Elizabeth River—Western Branch—Hodges Ferry, Va.—Mile 4.25)—SPEKH]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-19968; Filed, December 15, 1943; 10:46 a. m.]

PART 203—BRIDGE REGULATIONS

BRIDGE AT TACOMA, WASH.

Pursuant to section 5 of the River and Harbor Act of 18 August 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.795 is hereby amended to provide closed periods for the Union Pacific Railroad Company bridge near South Fifteenth Street, paragraph (h) being deleted and paragraph (g) being amended to read as follows:

§ 203.795 *City waterway at Tacoma, Wash.; bridge.* * * *

Special Regulations

(g) The foregoing general regulations (paragraphs (a) to (f), inclusive) shall apply in the case of all bridges, but to provide for distinctive signals given by vessels to particular bridges, as where two or more are within sight or hearing and but one bridge is desired to be opened, and to provide for closed or open periods when land or water traffic predominates, the following special regulations and exceptions are prescribed:

City of Tacoma bridge at South Eleventh Street; opening signal. The signal for opening this bridge shall be three long blasts followed by one short blast.

Closed periods. Between the hours of 6:45 a. m. and 7:45 a. m. and 3:45 p. m. and 5:00 p. m. the draw need not be opened: *Provided*, That during such periods the draw shall be promptly opened if necessary to prevent disaster to shipping: *And provided further*, That it shall also be immediately opened between the hours of 3:45 p. m. and 5:00 p. m. to permit the passage of vessels of 750 gross tons or over.

Northern Pacific Railway Company bridge; opening signal. The signal for opening this bridge shall be two long blasts followed by one short blast.

Union Pacific Railroad Company bridge near South Fifteenth Street; opening signal. The signal for opening this bridge shall be one long blast followed by one short and one long blast.

Closed periods. Between the hours of 6:30 a. m. and 8:00 a. m. and 3:30 p. m. and 5:00 p. m. the draw need not be

opened: *Provided*, That during such periods the draw shall be promptly opened if necessary to prevent disaster to shipping.

(h) [Deleted]

(Sec. 5, 28 Stat. 362, 33 U.S.C. 499) [Regs. 31 May 1928 (E.D. 6371) as amended 30 November 1943, 'CE 823 (City Waterway—Tacoma, Wash., South 15th St.)—SPEKH]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-19967; Filed, December 15, 1943; 10:46 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[G. O. 23, Supp. 3]

PART 310—MERCHANT MARINE TRAINING ENROLLMENT AND PAY REGULATIONS

General Order 23 is amended as follows:

1. By striking out § 310.13 (d) and inserting in lieu thereof:

(d) "Director" means Assistant Deputy Administrator for Training, War Shipping Administration.

2. By striking out § 310.27 (e) and inserting in lieu thereof:

(e) After the probationary period of enrollment an enrollee whose conduct and qualifications are satisfactory shall be automatically considered a regular enrollee. Each original enrollment shall be for a period of three months on active duty unless otherwise prescribed by the Commandant.

3. By striking out § 310.28 (c) and (d) and inserting in lieu thereof:

(c) Enrollees may be placed in an inactive duty status subject to voluntary return to active duty.

(d) Enrollees may be maintained on voluntary active duty for such periods as may be necessary in the discretion of the Director.

4. By inserting in § 310.30 *Rats of pay*, after the words and figures "Rear Admiral (lower half) 500" and before the word "Captain," the word and figure "Commodore 500"; and by adding to said § 310.30 the following:

Longevity pay for all enrollees on active administrative duty shall be added to the base pay of said enrollees under rules similar to those now or hereafter provided for such pay of the corresponding ranks, grades and ratings of the United States Coast Guard, except that longevity pay of Chief Warrant Officers shall be computed on the same basis as that of Warrant Officers.

5. By inserting in § 310.37 (a), after the words and figures "Rear Admiral (lower half) 120 42 105 21," and before the word "Captain," the word and figures "Commodore 120 42 105 21"; and by striking out § 310.37 (c) and (d) and inserting in lieu thereof:

(c) In lieu of subsistence in kind, an allowance of \$1 per day may be author-

ized for each enrollee below rank of Warrant Officer, not in travel status, for whom Government mess facilities are not available.

(d) An allowance, not to exceed \$2 per day, may be authorized for an enrollee below the rank of Warrant Officer, not in travel status, for whom Government quarters are not provided.

6. These changes shall be effective as of December 1, 1943.

(E.O. 9054, 7 F.R. 837; E.O. 9198, 7 F.R. 5383)

[SEAL]

E. S. LAND,
Administrator.

DECEMBER 15, 1943.

[F. R. Doc. 43-19992; Filed, December 15, 1943; 11:43 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR SMALL SWITCHING AND TERMINAL COMPANIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of December, A. D. 1943.

The matter of annual reports from switching and terminal companies of Class III being under consideration: *It is ordered*, That the order dated January 20, 1943, In the Matter of Annual Reports from Switching and Terminal Companies of Class III (§ 120.13, (a) and (b) Title 49, Code of Federal Regulations) be and it is hereby vacated and set aside, effective January 1, 1944, and the following order shall become effective:

§ 120.13 *Form prescribed for small switching and terminal companies.* All switching and terminal companies of Class III subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ending December 31, 1943, and for each succeeding year until further order in accordance with Annual Report Form D (Small Switching and Terminal Companies); which is hereby approved and made a part of this order.¹ The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 556, sec. 435, 41 Stat. 493, sec. 13, 54 Stat. 916; 40 U.S.C. 20 (1)-(8))

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-19990; Filed, December 15, 1943; 11:13 a. m.]

¹ Filed as part of the original document.

Notices

DEPARTMENT OF INTERIOR.

Bureau of Reclamation.

YAKIMA PROJECT, WASHINGTON

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

The Bureau of Reclamation Wage Board adopted on July 7, 1943, a schedule of hourly wage rates for operation and maintenance employees of the Bureau of Reclamation on the Yakima Project. This schedule was approved by the Acting Secretary on July 20. New information recently submitted by the project requires that certain changes be made in the schedule heretofore approved.

The Bureau of Reclamation Wage Board finds that the revised or new hourly rates listed below are now prevailing for similar work in the vicinity of the Yakima Project and recommends them for your adoption:

EMPLOYEES IN THE RECOGNIZED TRADES OR OCCUPATIONS

Labor classification	Basic hourly rate approved on July 20	Recommended revised or new basic hourly rate for B/R employees
Blacksmith, maintenance.....	\$1.10	\$0.90
Canal patrolman.....	.77½	(1)
Line patrolman, 2d class.....		.87½
Pumping station foreman, maintenance.....		1.12

EMPLOYEES NOT IN THE RECOGNIZED TRADES OR OCCUPATIONS

Reclamation maintenance canal patrolman.....		\$0.70
Reclamation maintenance laborer, leadman.....	\$0.80	.87½
Reclamation maintenance man (semiskilled) 1st class.....		.87½
Reclamation maintenance man (semiskilled) 2d class.....	.80	.80

¹ Delete.

² Change in title only; no change in wage rate.

It is the understanding of the Wage Board that Bureau of Reclamation employees listed above as in the recognized trades or occupations, will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week, under the provisions of section 23 of the act of March 28, 1934 (48 Stat. 522). Employees listed above as not in the recognized trades or occupations will be paid straight time wage rates for work in excess of forty hours a week.

The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that the foregoing schedule be made effective as of the beginning of business on September 1, 1943.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 26th day of October, 1943.

GUY W. NUMBERS,
Chairman.
CHARLES A. BISSELL,
Member.
ALFRED R. GOLZE,
Alternate Member.

Approved: October 29, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-18908; Filed, December 14, 1943;
9:32 a. m.]

CARLSBAD PROJECT, NEW MEXICO

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled *Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior*, The Bureau of Reclamation Wage Board has determined prevailing wage rates for construction positions of the Bureau of Reclamation on the Carlsbad Project. The Board has considered rates currently being paid by private employers, rates paid by other Government agencies, and rates established by collective agreement, as available.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Carlsbad Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate	Recommended basic hourly rate for B/R employees
Air tool operator (jackhammer man, paving breaker, etc.).....	\$1.00	\$1.00
Calker, grout leaks.....	1.00	1.00
Carpenter.....	1.25	1.25
Concrete chipper.....	1.00	1.00
Concrete finisher.....	1.25	1.25
Core driller foreman.....	1.45½	1.45½
Core driller.....	1.40	1.40
Core driller's helper.....	.70	.70
Electrician.....	1.50	1.50
Electrician's helper.....	.70	.70
Laborer.....	.60	.60
Lineman.....	1.50	1.50
Lineman's helper.....	.70	.70
Mechanic repairman.....	1.25	1.25
Pipe fitter.....	1.50	1.50
Pipe fitter's helper.....	.70	.70
Operator, air compressor (over 750 cubic feet per minute).....	1.25	1.25
Operator, air compressor (750 cubic feet per minute and under).....	1.00	1.00
Operator, grout machine.....	1.25	1.25
Operator, pump.....	1.00	1.00
Truck driver, under 4 tons.....	.75	.75
Truck driver, 4 tons and over.....	.95	.95
Welder.....	1.50	1.50

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess

of forty hours in any one week. Refer to forty-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation on the Carlsbad Project suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that these rates be made effective as of the beginning of business October 1, 1943.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 29th day of October 1943.

GUY W. NUMBERS,
Chairman.
JOSEPH C. McCASKILL,
Member.
CHARLES A. BISSELL,
Member.

Approved, effective at the beginning of the current pay period: November 23, 1943.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-18909; Filed, December 14, 1943;
9:32 a. m.]

General Land Office.

[Five-Acre Tract Classification 37]

LOS ANGELES, CALIF., LAND DISTRICT

ORDER SUBJECTING LAND TO APPLICATION

DECEMBER 11, 1943.

On November 26, 1943, the following-described vacant public land, in the Los Angeles, California, land district, was classified and opened by the Secretary of the Interior under the Five-Acre Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), for leasing as home, cabin, camp, health, convalescent, recreational, and business sites.

CALIFORNIA No. 18

SAN BERNARDINO MERIDIAN

T. 5 S., R. 5 E., sec. 36, 640 acres.

The land is located on the western side of Coachella Valley in Riverside County, and is about 125 miles southeast of Los Angeles and 70 miles southeast of Riverside. Palm Springs is 12 miles northwest of the land. Elevation of the classified land is from 800 to 1,000 feet above sea level.

Based on the above-mentioned classification, the land is subject to application under the act of June 1, 1938, supra, by any qualified persons, in accordance with 43 CFR 257.1-257.25 (Circ. 1470a, August 10, 1942). Any application filed should describe the land applied for according to the rectangular system of surveys. Each lessee will be required to erect, within a reasonable time after execution of the lease, substantial improvements having a value of not less than \$300.

The register of the Los Angeles district land office will make appropriate nota-

tion upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner,

[F. R. Doc. 43-19973; Filed, December 15, 1943;
10:48 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2708]

JOHN G. BECK

In re: Estate of John G. Beck, deceased; File D-28-4175; E. T. sec. 7245.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein after described are property which is in the process of administration by Norbert F. Abend, as executor, acting under the judicial supervision of the Surrogate's Court, County of Onondaga, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Reinholt Hoss, Germany.
William Hoss, Germany.
Frederick Beck, Germany.
Emilie Clahs, Germany.
Wilhelmina Schnipp, Germany.
Emilie Beck, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Reinholt Hoss, William Hoss, Frederick Beck, Emilie Clahs, Wilhelmina Schnipp and Emilie Beck, and each of them, in and to the Estate of John G. Beck, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19919; Filed, December 14, 1943;
11:02 a. m.]

[Vesting Order 2709]

WALTER BROOKS

In re: Trust under the Will of Walter Brooks, deceased; File D-28-4916; E. T. sec. 1420.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Guaranty Trust Company of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Karoline Margarete Elfriede Heine, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Karoline Margarete Elfriede Heine, in and to a trust created under the Will of Walter Brooks, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it

should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19920; Filed, December 14, 1943;
11:02 a. m.]

[Vesting Order 2710]

JOHN F. FAULKNER

In re: Estate of John F. Faulkner, also known as John F. Falkal, deceased; File D-28-7429; E. T. sec. 7611.

Under the authority of the Trading with the Enemy Act as amended and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Christine D. Baer, administratrix of the estate of John F. Faulkner, also known as John F. Falkal, deceased, acting under the judicial supervision of the Probate Court of Suffolk County, Massachusetts.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Henrietta Klessling, 85 Bangenossenshapt, Martiniansky, b. Schwarzenbach, Oberf Bayern, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Henrietta Klessling, in and to the estate of John F. Faulkner, also known as John F. Falkal, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts,

pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19921; Filed, December 14, 1943;
11:02 a. m.]

[Vesting Order 2711]

HUGO C. FETT

In re: Trust under will of Hugo C. Fett, deceased; File D-66-416; E. T. sec. 3079.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity Union Trust Company, of Newark, New Jersey, Trustee, acting under the judicial supervision of the Union County Orphans' Court of Elizabeth, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ellen Tornquist, Germany.
Alexander Tornquist, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ellen Tornquist and Alexander Tornquist, and each of them, in and to the trust created under the will of Hugo C. Fett, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19922; Filed, December 14, 1943;
11:02 a. m.]

[Vesting Order 2712]

FRANK GARRO

In re: Estate of Frank Garro, deceased; File D-38-573; E. T. sec. 6141.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Kenneth C. Cole, Public Administrator of Westchester County, New York, as administrator of the Estate of Frank Garro, deceased, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Anunziata Garro, Florida, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anunziata Garro in and to the Estate of Frank Garro, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the

interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19923; Filed, December 14, 1943;
11:03 a. m.]

[Vesting Order 2713]

OTTO HERMANN

In re: Estate of Otto Hermann, deceased; File D-28-2221; E. T. sec. 2935.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bank of America National Trust and Savings Association, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Anna Hermann, Germany.
Doris Ruebelmann Lang, Germany.
Lena Hermann Lang, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Her-

mamm, Doris Ruebelmann Lang, and Lena Hermann Lang, and each of them, in and to the Estate of Otto Hermann, deceased, and in and to the trust estate created under the will of Otto Hermann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19924; Filed, December 14, 1943;
11:03 a. m.]

[Vesting Order 2714]

IDA HOWGATE

In re: Estate of Ida Howgate, deceased; File D-38-2796; E.T. sec. 8169.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Alex McC. Ashley, Executor, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Dr. Giovanni Picinini, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Dr. Giovanni Picinini in and to the estate of Ida Howgate, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19925; Filed, December 14, 1943;
11:03 a. m.]

[Vesting Order 2716]

MATHILDA MAISCH

In re: Estate of Mathilda Maisch, deceased; File D-28-4146; E. T. sec. 4477.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Bette and William Siegrist, as Executors, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Otto Maisch, Sondernau, Bavaria, Germany.
Karl Maisch, Burgel, bei Offenbach, A. Main, Germany.

Maria Stock, Hausen, Bavaria, Germany.
Monika Schockel, Lebenhahn, Bavaria, Germany.

Wilhelm Maisch, Sondernau, Bavaria, Germany.

Franz Maisch, Sondernau, Bavaria, Germany.

Hildegard Maisch, Sondernau, Bavaria, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Otto Maisch, Karl Maisch, Maria Stock, Monika Schockel, Wilhelm Maisch, Franz Maisch and Hildegard Maisch, and each of them, in and to the Estate of Mathilda Maisch, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19926; Filed, December 14, 1943;
11:03 a. m.]

[Vesting Order 2717]

VICTOR MORAWETZ

In re: Estate of Victor Morawetz, deceased; File D-66-735; E. T. sec. 4140.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Guaranty Trust Company of New York and Irving Brown, as executors, acting under the judicial super-

vision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

Nationals and Last Known Address

Gertrud Stroner, Germany.

Dora Czifrusz, Hungary.

Maria Von Giovannelli-Luschinsky, Germany (Austria).

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Gertrud Stroner, Dora Czifrusz and Maria Von Giovannelli-Luschinsky, and each of them, in and to the Estate of Victor Morawetz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19927; Filed, December 14, 1943;
11:03 a. m.]

[Vesting Order 2718]

FRANCES TH. NITSCHKE

In re: Mortgage Participation Certificate No. 25 in Mortgage Investment No. 82922, issued by the Camden Safe Deposit Co. 249—7

posit and Trust Company to Frances Th. Nitschke; File F-28-5421; E. T. sec. 3895.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Camden Trust Company, Substituted Trustee, acting under the judicial supervision of the Chancery Court of New Jersey, Trenton, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Frances Th. Nitschke, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and,

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Frances Th. Nitschke in and to the proceeds of a Mortgage Participation Certificate No. 25 in Mortgage Investment No. 82922 of the Camden Safe Deposit and Trust Company in the sum of \$8,030.94,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19928; Filed, December 14, 1943;
11:03 a. m.]

[Vesting Order 2739]

LUIGI GORI

In re: Estate of Luigi Gori, deceased; File D-38-1063; E. T. sec. 2891.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bank of America National Trust and Savings Association, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Francesco Gori, Italy.

Giuseppe Gori, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Francesco Gori and Giuseppe Gori, and each of them, in and to the Estate of Luigi Gori, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19929; Filed, December 14, 1943;
11:04 a. m.]

[Vesting Order 2740]

PALMIRA MUCCI

In re: Estate of Palmira Mucci, deceased; File D-38-498; E. T. sec. 5611.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Reverend Matthew Pellegrini, Executor, acting under the judicial supervision of the Surrogate's Court, Broomé County, New York;

(2) Such property and interests are payable or deliverable to, or claimed, by nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Luigi Mucci, and his issue, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Luigi Mucci, and his issue, and each of them, in and to the Estate of Palmira Mucci, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL]

LEO T. CROWLEY,

Alien Property Custodian.

[F. R. Doc. 43-19930; Filed, December 14, 1943; 11:04 a. m.]

[Vesting Order 2741]

ANDREW C. ZILLINGER

In re: Estate of Andrew C. Zillinger, deceased; File D-6-194; E. T. sec. 6334.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Girard Trust Company, Executor, acting under the judicial supervision of the Burlington County Orphans' Court of Burlington County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Dr. Carl Durrigle, Germany (Austria).
Lochl Rob Durrigle, Germany (Austria).
Lola Riedel, Germany (Austria).
Else Kaplan, Germany (Austria).
Oscar Riedel, Germany (Austria).
Franz Riedel, Germany (Austria).
Anna Danzer, Germany (Austria).
Mary Schader, Germany (Austria).
Irene Marx, Germany (Austria).

The descendants per stirpes of Mariana Riedel, names unknown, Germany (Austria).
Anna Zillinger, her descendants per stirpes, names unknown, Germany (Austria).

Dr. Karl Huter, his descendants per stirpes, names unknown, Germany (Austria).

Charlotte Durrigle, her descendants per stirpes, names unknown, Germany (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Dr. Carl Durrigle, Lochl Rob Durrigle, Lola Riedel, Else Kaplan, Oscar Riedel, Franz Riedel, Anna Danzer, Mary Schader, Irene Marx, the descendants per stirpes of Mariana Riedel, names unknown, Ann Zillinger, her descendants per stirpes, names unknown, Dr. Karl Huter, his descendants per stirpes, names unknown, and Charlotte Durrigle, her descendants per stirpes, names unknown, and each of them, in and to the estate of Andrew C. Zillinger, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it

should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL]

LEO T. CROWLEY,

Alien Property Custodian.

[F. R. Doc. 43-19931; Filed, December 14, 1943; 11:04 a. m.]

[Vesting Order 2743]

MATHILDA E. BRANDLEY

In re: Estate of Mathilda E. Brandley, deceased; File D-28-2103; E. T. sec. 2507.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Charlotte Werner, Administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Ventura;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louise Haas, Germany.
Lillie Haas, also known as Lillie Haas Elscher, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louise Haas and Lillie Haas, also known as Lillie Haas Elscher, and each of them, in and to the Estate of Mathilda E. Brandley, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not

be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19932; Filed, December 14, 1943;
11:04 a. m.]

[Vesting Order 2744]

GEORGE BEBAN

In re: Trust under the Will of George Beban, deceased; File No. D-28-5197; E. T. sec. 1382.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Lawyers Trust Company of New York, New York, and Mary Beban Smith, 5959 Franklin Avenue, Hollywood, California, Trustees, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Florenz Hoffman, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Florenz Hoffman in and to the trust created under the Last will and Testament of George Beban, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19933; Filed, December 14, 1943;
11:04 a. m.]

[Vesting Order 2746]

LOUIS D. GREGORIO

In re: Trust under will of Louis D. Gregorio, deceased; File No. D-38-1202; E. T. sec. 4484.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Guaranty Trust Company of New York, and Maddalena Gregorio, as trustees, acting under the judicial supervision of the Surrogate's Court, Queens County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Maddalena Gregorio, Italy.

Brothers and sisters of Louis D. Gregorio, deceased, whose names are unknown, Italy.
Nieces and nephews of Louis D. Gregorio, deceased, whose names are unknown, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Maddalena Gregorio, the brothers and sisters of Louis D.

Gregorio, deceased, whose names are unknown, and the nieces and nephews of Louis D. Gregorio, deceased, whose names are unknown, and each of them, in and to the trust created under the will of Louis D. Gregorio, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19934; Filed, December 14, 1943;
11:02 a. m.]

[Vesting Order 2678]

KUNIGUNDE HOLLENSTEINER

In re: Real property located in the County of Multnomah, Oregon, and policies of insurance owned by Kunigunde Hollensteiner, formerly known as Kunigunde Grasser.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Kunigunde Hollensteiner, formerly known as Kunigunde Grasser, is Muhlendorf, No. 23, Post Neumarkt, in Steiermark, Austria, (Germany), and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Kunigunde Hollensteiner, formerly known as Kunigunde Grasser, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in Multnomah County, Oregon, particularly described as the Easterly $\frac{1}{2}$ of Lots 16 and 17, Block 9, Tibbatts Homestead, excepting therefrom the South 5 feet of Easterly $\frac{1}{2}$ Lot 17, conveyed to City of Portland, for widening of Powell Street, now S. E. Powell Boulevard, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property.

b. All right, title and interest of Kunigunde Hollensteiner, formerly known as Kunigunde Grasser, in and to Fire Insurance Policies Nos. D 86389 and D 86390 issued by Granite-State Fire Insurance Company of Portsmouth, New Hampshire and Owners, Landlords and Tenants Public Liability Policy No. LOLT 40365 issued by the General Casualty Company of America, Seattle, Washington, insuring the premises described in subparagraph 3-a hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19975; Filed, December 15, 1943;
11:04 a. m.]

[Vesting Order 2679]

IDA GLENEWINKEL

In re: Real property, mortgages, insurance policies, claims, assignment of rents, judgment, and bank account owned by Ida Glenewinkel.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Ida Glenewinkel is marktstr. 49, Hanover, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Ida Glenewinkel is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Kings County, New York, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. Real property situated in Kings County, New York, particularly described in Exhibit B attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. A mortgage executed on February 17, 1926 by Charles Lindgreen Construction Co., Inc. and recorded on February 18, 1926 in the Register's Office of Kings County, New York, in Liber 6296 of Mortgages, Page 372, which was assigned to Ida Glenewinkel on June 13, 1932, and which assignment was recorded in the Register's Office of Kings County, New York, on June 17, 1932, in Liber 7778 of Mortgages, Page 73, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations,

d. A mortgage executed on July 30, 1928 by Lendow Realty Corp. and recorded on July 31, 1928 in the Register's Office of Queens County, New York, in Liber 3408 of Mortgages, Instrument No. 65969, which was assigned to Ida Glenewinkel on June 7, 1932, and which assignment was recorded in the Register's Office of Queens County, New York, on July 20, 1932, in Liber 3986 of Mortgages, Page 333, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations,

e. A mortgage executed on April 18, 1912 by Watkins-Stone Building Company and recorded on April 19, 1912 in the Register's Office of Kings County, New York, in Liber 3717 of Mortgages, Page 399, which was assigned to Ida Glenewinkel on June 7, 1932, and which assignment was recorded in the Register's Office, Kings County, New York, on June 27, 1932, in Liber 7763 of Mortgages, Page 476, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such

obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations,

f. A mortgage executed on January 13, 1923 by Charles F. Strasburg and Dora J. Strasburg, his wife, and recorded on January 16, 1923 in the Register's Office of Kings County, New York, in Liber 5303 of Mortgages, Page 403, which was assigned to Ida Glenewinkel on June 7, 1932, and which assignment was recorded in the Register's Office, Kings County, New York, on June 14, 1932, in Liber 7760 of Mortgages, Page 515, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations,

g. A mortgage executed March 2, 1926 by Chester's, Incorporated, and recorded on March 2, 1926 in the Register's Office of Kings County, New York, in Liber 6325 of Mortgages, Page 279, which was assigned to Ida Glenewinkel on June 7, 1932, and which assignment was recorded in the Register's Office, Kings County, New York, on June 27, 1932, in Liber 7781 of Mortgages, Page 28, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations,

h. A mortgage executed May 12, 1926 by Leemor Realty Corporation, and recorded on May 13, 1926 in the Register's Office of Kings County, New York, in Liber 6303 of Mortgages, Page 314, which was assigned to Ida Glenewinkel on June 7, 1932, and which assignment was recorded in the Register's Office, Kings County, New York, on June 14, 1932, in Liber 7764 of Mortgages, Page 839, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations,

i. All right, title, and interest of Ida Glenewinkel in and to the following insurance policies:

(1) Fire Insurance Policy No. B927203, issued by the Fireman's Fund Insurance Company, Boston, Massachusetts, insuring the premises described in subparagraph 3-a hereof;

(2) Fire Insurance Policy No. 603588, issued by the American Central Insurance Company, St. Louis, Missouri, insuring the premises described in subparagraph 3-b hereof;

(3) Fire Insurance Policy No. 82975, issued by The Girard Fire and Marine Insurance Company, insuring the premises located at 1638 West 11th Street, Kings County, New York;

(4) Fire Insurance Policy No. 502068, issued by the National Liberty Insurance Company of America, New York, New York, insuring the premises located at 109-09 174th Street, Queens County, New York;

(5) Fire Insurance Policy No. 602748, issued by the American Central Insurance Company, St. Louis, Missouri, insuring the premises located at 613 Watkins Street, Kings County, New York;

(6) Fire Insurance Policy No. 603268, issued by the American Central Insurance Company, St. Louis, Missouri, insuring the premises

located at 2411 Tilden Avenue, Kings County, New York;

(7) Public Liability Insurance Policy No. LG 10330, issued by the Indemnity Insurance Company of North America, Philadelphia, Pennsylvania, insuring against liability for personal injuries on or about the premises described in subparagraph 3-a hereof;

(8) Public Liability Insurance Policy No. OLT 457788, issued by the Indemnity Insurance Company of North America, Philadelphia, Pennsylvania, insuring against liability for personal injuries on or about the premises described in subparagraph 3-b hereof;

j. The unrecorded assignment of rents from the premises located at 613 Watkins Street, Kings County, New York, dated March 25, 1935, executed by Stella Levine to the New York Title and Mortgage Company in Rehabilitation, which was reassigned on December 20, 1935, to Ida Glenewinkel, which assignment and reassignment are in the possession of Lawrence R. Condon, 165 Broadway, New York, New York, and all right, title, interest and claim of Ida Glenewinkel in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Ida Glenewinkel by or under said assignment of rents, including but not limited to all security rights in and to any and all such obligations,

k. All right, title, interest and claim of any name or nature whatsoever of Ida Glenewinkel in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Ida Glenewinkel, by the New York Title and Mortgage Company in Liquidation and represented on the books of the New York Title and Mortgage Company in Liquidation as a credit balance due to Ida Glenewinkel, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly the claims against the New York Title and Mortgage Company in Liquidation identified as follows:

(1) Claim No. 31425 allowed under Mortgage Guaranty Policy No. 42980, which guaranteed payment of the mortgage described in subparagraph 3-h hereof;

(2) Claim No. 31429 allowed under Mortgage Guaranty Policy No. 51667, which guaranteed payment of the mortgage described in subparagraph 3-d hereof;

(3) Claim No. 31428 allowed under Mortgage Guaranty Policy No. 23201, which guaranteed payment of the mortgage described in subparagraph 3-e hereof;

(4) Claim No. 31427 allowed under Mortgage Guaranty Policy No. 42981, which guaranteed payment of the mortgage described in subparagraph 3-f hereof,

l. The judgment entered in favor of Ida Glenewinkel in the Municipal Court, Fourth District, Kings County, New York, on December 20, 1940, in an action entitled, Ida Glenewinkel, Plaintiff, against Joseph A. Jackson, Defendant, and the right to enforce and collect such judgment, and

m. All right, title, interest and claim of Ida Glenewinkel in and to a certain bank account in the Chemical Bank & Trust Company, 165 Broadway, New York, New York, which is due and owing to, and held for, Ida Glenewinkel, in the name of "Lawrence R. Condon, Ida Glenewinkel Account", including but not limited to all security rights in and to any and all collateral for any or all of such accounts or portion thereof and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-1 and 3-m hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a to and including subparagraph 3-h hereof) be-

longing to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraphs 3-a and 3-b hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-c to and including 3-m hereof;

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the westerly side of Schenectady Avenue distant 60 feet northerly from the corner formed by the intersection of the westerly side of Schenectady Avenue with the northerly side of Snyder Avenue; running thence westerly parallel with Snyder Avenue and part of the distance through a party wall 80 feet; thence northerly parallel with Schenectady Avenue 20 feet; thence easterly again parallel with Snyder Avenue and part of the distance through a garage party wall 80 feet to the westerly side of Schenectady Avenue and

thence southerly along the westerly side of Schenectady Avenue 20 feet to the point or place of beginning, known as 944 Schenectady Avenue.

Together with an easement or right of way in favor of the owner of the premises above described over the most southerly 3 feet 6 inches of the premises adjoining on the north for the purpose of ingress and egress for pleasure automobiles to and from a garage building in the rear of the premises described.

Subject to an easement or right of way in favor of the owner of the premises immediately adjoining on the north over the most northerly 3 feet 6 inches of the premises herein described for the purpose of ingress and egress for pleasure automobiles to and from a garage built in the rear of the premises adjoining on the north.

EXHIBIT B

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the westerly side of New Utrecht Avenue distant 83 feet one inch northerly from the corner formed by the intersection of the westerly side of New Utrecht Avenue with the northeasterly side of 75th Street, which point is where a line drawn parallel with the northeasterly side of 75th Street and distant 80 feet northeasterly therefrom measured along a line drawn at right angles thereto, intersects the said westerly side of New Utrecht Avenue; running thence northwesterly parallel with 75th Street and part of the distance through a party wall 70 feet 4½ inches to a point in a line drawn parallel with 16th Avenue and distant 80 feet southeasterly from the southeasterly side thereof; thence northeasterly parallel with 16th Avenue 20 feet; thence southeasterly parallel with 75th Street 60 feet 7 inches to the westerly side of New Utrecht Avenue and thence southerly along the westerly side of New Utrecht Avenue 22 feet 3¼ inches to the point or place of beginning.

Together with all the right, title and interest of Ida Glenewinkel in and to the land lying in New Utrecht Avenue in front of and adjoining said premises to the center line thereof.

[F. R. Doc. 43-16976; Filed, December 15, 1943; 11:04 a. m.]

[Vesting Order 2631]

WILLY HERBSTHOFF, ET AL.

In re: Interest in real property located in Skagit County, Washington, and a claim owned by Willy Herbsthoff, Olga Muschard and Elsa Campe.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Willy Herbsthoff is Beethovenstrasse 18, Koeln an Rheln, Germany; that the last known address of Olga Muschard and Elsa Campe is in care of Willy Herbsthoff, Beethovenstrasse 18, Koeln an Rheln, Germany, and that they are nationals of a designated enemy country (Germany);

2. That Willy Herbsthoff, Olga Muschard and Elsa Campe are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in Skagit County, Washington, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all here-

ditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds and benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of Willy Herbsthoff, Olga Muschard and Elsa Campe, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Willy Herbsthoff, Olga Muschard and Elsa Campe, and each of them, by H. Otto Giese, including but not limited to all security rights, in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and specifically all money owing to Willy Herbsthoff, Olga Muschard and Elsa Campe by H. Otto Giese, and deposited in the Seattle Trust and Savings Bank, Seattle, Washington, in a savings account in the name of "H. Otto Giese Trust Account", and including particularly any and all claims against H. Otto Giese arising out of the management of the property described in subparagraph 3 (a) hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3 (b) hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3 (a) hereof,) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 (a) hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3 (b) hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an

admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that tract or parcel of land situated in the County of Skagit, State of Washington, more particularly described as follows: Lots One (1) and Eight (8) in Section Thirty-five (35), also Lot Three (3) and the Northwest Quarter of the Southwest quarter (NW¼ of SW¼) and the Southwest Quarter of the Northwest Quarter (SW¼ of NW¼) of Section Thirty-six (36), all in Township Thirty-five (35) North of Range 9, East of Willamette Meridian.

[F. R. Doc. 43-19977; Filed, December 15, 1943; 11:04 a. m.]

[Vesting Order 2747]

SIMON HERRMAN

In re: Estate of Simon Herrman, deceased; File D-28-3698; E. T. sec. 6119.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by Lester Sichel, Administrator, acting under the judicial supervision of the Circuit Court of the State of Oregon, for the County of Multnomah;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mrs. Solomon (Hedwig) Winter, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Solomon (Hedwig) Winter, in and to the Estate of Simon Herrman, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to

indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19978; Filed, December 15, 1943; 11:04 a. m.]

[Vesting Order 2748]

CAROLINE M. KOWITZ

In re: Estate of Caroline M. Kowitz, deceased; File D-28-7671; E. T. sec. 8215.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the Spokane and Eastern Branch, Seattle-First National Bank, Executor, acting under the judicial supervision of the Superior Court, Spokane County, Washington;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Otto Witte, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Otto Witte in and to the Estate of Caroline M. Kowitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such

property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19979; Filed, December 15, 1943;
-11:06 a. m.]

[Vesting Order 2749]

ARNOLD MUNNICH

In re: Estate of Arnold Munnich, deceased; File D-28-3765; E. T. sec. 6363.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Hedwig D. Munnich and Douglas A. Nye, Co-Executors, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Marin;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany; namely,

Nationals and Last Known Address

Louis Munnich, Germany.
Anna Munnich, Germany.
Anita Munnich, Germany.
Fritz Munnich, Germany.
Emmy Munnich, Germany.
Marichen Rose, Germany.
Lilly Munnich, Germany.
Arthur Munnich, Germany.
Alice Munnich, Germany.
Hannah Doerfler, Germany.
Marie Doerfler, Germany.
Alfred Doerfler, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louis Munnich, Anna Munnich, Anita Munnich, Fritz Munnich, Emmy Munnich, Marichen Rose,

Lilly Munnich, Arthur Munnich, Alice Munnich, Hannah Doerfler, Marie Doerfler, Alfred Doerfler, and each of them, in and to the Estate of Arnold Munnich, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19980; Filed, December 15, 1943;
11:06 a. m.]

[Vesting Order 2750]

HENRY RINDSKOPF

In re: Trust under the Will of Henry Rindskopf; File D-28-2372; E. T. sec. 4288.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank of Cincinnati, Ohio, Fourth and Walnut Streets, Cincinnati, Ohio, Successor Trustee, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Hamilton;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany; namely,

Nationals and Last Known Address

Person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Theodore Rindskopf, deceased brother of the decedent, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and Having made all determinations and taken all action, after appropriate consultation and

certification, required by said Executive Order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Theodore Rindskopf, deceased brother of the decedent, in and to the trust created under the will of Henry Rindskopf, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19981; Filed, December 15, 1943;
11:06 a. m.]

[Vesting Order 2752]

WILHELMINA CLAUSEN

In re: Estate of Wilhelmina Clausen, also known as Wilhelmine Clausen, W. M. Clausen, Mrs. Wilhelmina M. Clausen, and Wilhelmina Clausen, deceased; File D-28-2119; E. T. sec. 2578.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bank of America National Trust and Savings Association, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany; namely,

Nationals and Last Known Address

Fritz Oelerich, Germany.
 Otto Oelerich, Germany.
 Fredericka Bruns, Germany.
 Helen Wiegeman, Germany.
 Heirs at law, names unknown, of Fritz Oelerich, Otto Oelerich, Fredericka Bruns and Helen Wiegeman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fritz Oelerich, Otto Oelerich, Fredericka Bruns, Helen Wiegeman and the heirs at law, names unknown, of Fritz Oelerich, Otto Oelerich, Fredericka Bruns and Helen Wiegeman, and each of them, in and to the Estate of Wilhelmina Clausen, also known as Wilhelmine Clausen, W. M. Clausen, Mrs. Wilhelmina M. Clausen, and Wilhelmina Clausen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19982; Filed, December 15, 1943;
 11:06 a. m.]

[Vesting Order 2753]

RICHARD DELAFIELD

In re: Trusts under the Will of Richard Delafield, deceased; File D-38-427; E. T. sec. 1970.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and

pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Chase National Bank of the City of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, Orange County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Joseph Hubert De La Feld, Italy.
 Joseph William De La Feld, Italy.
 Mary Teresa Sorge, Italy (Eritre).
 Maria Maresca Di Serracapriola, Italy.
 Joseph Marius De La Feld, Italy.
 Mary Matilda De La Feld, Italy.
 Marie L. de Gunderode, Italy.
 Mary C. de Vito Piscicelli, Italy.
 Eduardo De La Feld, also known as Joseph Edward De La Feld, Italy.
 Arthur De La Feld, Italy.
 Maximo De La Feld, Italy.
 Margaret De La Feld, Italy.
 Richard De La Feld, Italy.

The issue, whose names are unknown, of each of the aforesaid designated nationals, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Joseph Hubert De La Feld, Joseph William De La Feld, Mary Teresa Sorge, Maria Maresca Di Serracapriola, Joseph Marius De La Feld, Mary Matilda De La Feld, Marie L. de Gunderode, Mary C. de Vito Piscicelli, Eduardo De La Feld, also known as Joseph Edward De La Feld, Arthur De La Feld, Maximo De La Feld, Margaret De La Feld, Richard De La Feld, and their issue, whose names are unknown, and each of them, in and to trusts established pursuant to subdivision 22 of Article 4 of the Will of Richard Delafield, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from

the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19983; Filed, December 15, 1943;
 11:06 a. m.]

[Vesting Order 2754]

T. T. MATSUMOTO

In re: Estate of T. T. Matsumoto, deceased; File F-39-2407; E. T. sec. 5435.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ben H. Brown, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Omme Matsumoto, Japan.
 Seimon Matsumoto, Japan.
 Masue Matsumoto, Japan.
 Isurus Matsumoto, Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Omme Matsumoto, Seimon Matsumoto, Masue Matsumoto and Isurus Matsumoto, and each of them, in and to the Estate of T. T. Matsumoto, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19984; Filed, December 15, 1943;
11:07 a. m.]

[Vesting Order 2757]

BABETTE EISNER

In re: Estate of Babette Eisner, deceased; File D-28-7850; E. T. sec. 8562. Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph L. Bailey, Executor, acting under the judicial supervision of the Orphans Court, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Eva Buchold, Germany.
Alfred Eisner, Germany.
Dr. Leonhard Eisner, Germany.
Albert Eisner, Germany.
St. Antoniusheim Home for Orphan Children, Germany.
Krankenhaus Hospital, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eva Buchold, Alfred Eisner, Dr. Leonhard Eisner, Albert Eisner, St. Antoniusheim Home for Orphan Children and Krankenhaus Hospital, and each of them, in and to the estate of Babette Eisner, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not

be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19985; Filed, December 15, 1943;
11:07 a. m.]

[Vesting Order 2762]

WILLIAM HERZOG

In re: Estate of William Herzog, deceased; File D-28-3920; E. T. sec. 6778.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Walter F. McColl, Executor, acting under the judicial supervision of the Bergen County Orphans' Court, Bergen County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Helen Renz, Germany.
Jullus Herzog, Germany.
William Herzog, Germany.
William Sommer, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Helen Renz, Jullus Herzog, William Herzog and William Sommer, and each of them in and to the estate of William Herzog, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19986; Filed, December 15, 1943;
11:07 a. m.]

[Vesting Order 2764]

THERESE FINDING

In re: Estate of Therese Finding, deceased; File D-28-4348; E. T. sec. 7442.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The German Society of the City of New York, Executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals and a political subdivision of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Peter Kastner, or his issue, Burgau, Bayern, Schwaben, Germany.
Viktoria Bayer, or her issue, Bad Teolz, Germany.
Antonla Maeusle, or her issue, Zeugplatz, Augsburg, Germany.
Babette Benz, Burgau, Bayern, Schwaben, Germany.
Therese Benz, Burgau, Bayern, Schwaben, Germany.
City of Burgau, a political subdivision of Germany, Bayern, Schwaben, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Peter Kastner, Viktoria Bayer, Antonia Maeusle, and their issue, whose names are unknown, Babette Benz, Therese Benz and the City of Burgau, Bayern, Schwaben, Germany, and each of them, in and to the Estate of Therese Findling, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19987; Filed, December 15, 1943;
11:07 a. m.]

[Vesting Order 2765]

GUSTAV NAUBERT

In re: Estate of Gustav Naubert, deceased; File D-28-6517; E. T. sec. 4507.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Executor, Herman Richter, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of designated enemy country, Germany, namely,

Nationals and Last Known Address

Wilhelm Naubert, Calvin Strasse 20, Dortmund, Germany.

Gertrud Schmeck, Kaiserstrasse 99, Dortmund, Germany.

Luise Naubert, Mainzerhofstrasse 8, Erfurt, Germany.

Karl Naubert, Mainzerhofstrasse 8, Erfurt, Germany.

Gertraud Naubert, Mainzerhofstrasse 8, Erfurt, Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Wilhelm Naubert, Gertrud Schmeck, Luise Naubert, Karl Naubert and Gertraud Naubert, and each of them, in and to the estate of Gustav Naubert, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19988; Filed, December 15, 1943;
11:07 a. m.]

[Vesting Order 2766]

RUDOLF PAGENSTECHER

In re: Trust under Will of Rudolf Pagenstecher, deceased; File D-28-1916; E. T. sec. 1729.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Hiram C. Todd and Louis Bittner, Co-Executors and Co-Trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York; and

(2) Such property and interest are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Otto von Estorff, Albrechtstrasse 20, Potsdam, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest and claim of any kind or character whatsoever of Otto von Estorff in and to the trust created under the Last Will and Testament of Rudolf Pagenstecher, deceased, for the benefit of Bertha Pagenstecher,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-19989; Filed, December 15, 1943;
11:07 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 9 Under RPS 60]

NATIONAL SUGAR REFINING Co.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 9 under § 1334.51 (a) (6) (1) of Revised Price Schedule 60. Direct consumption sugar.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

(a) Maximum prices governing sales by primary distributors of certain new grades and packages of direct consump-

tion sugar. (1) The National Sugar Refining Company and other primary distributors of direct consumption sugar are hereby authorized to determine their maximum prices for the following grades and packages of direct consumption sugar by the application of the specified differential:

(i) Standard powdered sugar packed 100 lbs. net in a 5 ply multi-wall paper bag, one layer of which shall be asphalt laminated—add a differential of 20¢ per 100 lbs. net to the maximum basis price.

(ii) Coarse powdered sugar packed 100 lbs. net in a 5 ply multi-wall paper bag, one layer of which shall be asphalt laminated—add a differential of 20¢ per 100 lbs. net to the maximum basis price.

(iii) The following types of refined soft sugar packed 100 lbs. net in a 5 ply multi-wall paper bag, one layer of which shall be asphalt laminated:

#6 soft sugar—subtract 30¢ per 100 lbs. net from maximum basis price.

#8 soft sugar—subtract 40¢ per 100 lbs. net from maximum basis price.

#10 soft sugar—subtract 50¢ per 100 lbs. net from maximum basis price.

#13 soft sugar—subtract 65¢ per 100 lbs. net from maximum basis price.

(iv) Fifty one-pound cartons of granulated sugar packed in a corrugated board container—add a differential of 65¢ per 100 lbs. net to the maximum basis price.

(v) The following types of refined soft sugar packed 25 lbs. net in a 3 ply multi-wall paper bag, one layer of which shall be asphalt laminated:

#6 soft sugar—subtract 5¢ per 100 lbs. net from maximum basis price.

#8 soft sugar—subtract 15¢ per 100 lbs. net from maximum basis price.

#10 soft sugar—subtract 25¢ per 100 lbs. net from maximum basis price.

#13 soft sugar—subtract 40¢ per 100 lbs. net from maximum basis price.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) This order shall become effective December 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19953; Filed, December 14, 1943;
4:44 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on December 10, 1943.

REGION III

Cleveland Order No. F-1, Amendment No. 8, filed 1:14 p. m.

Cleveland Order No. F-5, filed 1:16 p. m.

Indianapolis Order No. 1-F, Amendment No. 8, filed 1:14 p. m.

REGION V

Dallas Order No. 12, filed 1:13 p. m.

Kansas City Order No. 9, filed 1:15 p. m.

Kansas City Order No. 11, filed 1:15 p. m.
Kansas City Order No. 13, filed 1:13 p. m.
San Antonio Order No. 5, Amendment No. 2, filed 1:16 p. m.
San Antonio Order No. 6, Amendment No. 2, filed 1:16 p. m.
Fort Worth Order No. 7, Amendment No. 3, filed 1:17 p. m.

REGION VIII

Phoenix Order No. 1-F, filed 1:17 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 43-19954; Filed, December 14, 1943;
4:44 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 43-160]

COLUMBIA GAS AND ELECTRIC CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of December, 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company.

Notice is further given that any interested person may, not later than December 22, 1943 at 5:30 p. m. e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed, or as amended, may be granted or become effective, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Columbia Gas requests an extension to December 31, 1944, of the date, December 31, 1943, fixed by the Commission's Memorandum Opinion and Order of December 30, 1942 (Holding Company Act Release No. 4036) on which the balance remaining in its accounts designated "Special Capital Surplus" and "Surplus Prior to January 1, 1938" must be restored to the common capital stock account of the corporation.

The above-mentioned opinion and order amended the Commission's original

Order of January 25, 1939 (Holding Company Act Release No. 1417), which permitted Columbia Gas to reduce the capital represented by the shares of its common stock from \$194,349,005.62 to \$12,304,282, and provided for the manner of treating surplus created thereby, as well as existing surpluses; and contained, among other things, a condition that balances remaining in "Special Capital Surplus" and "Surplus Prior to January 1, 1938" on December 31, 1942, shall be restored to common capital stock account as of the date last mentioned, "unless the time be extended by application to this Commission and order thereon".

Applicant represents that as of October 31, 1943, (a) the balance remaining in the "Special Capital Surplus" account amounts to \$95,515,998.66, and the balance remaining in its "Surplus Prior to January 1, 1938" account amounts to \$939,904.63; (b) it has completed "original cost" studies covering approximately 43% of the total recorded property of the subsidiaries of Columbia Gas; and (c) it has endeavored with due diligence to complete the various adjustments contemplated in the declaration which were the subject of the findings and opinion and order, but "unexpected delays, due mainly to war conditions, in the completion by its subsidiaries of their 'original cost' studies and in obtaining final determination as to such 'original cost' studies from regulatory authorities, have rendered it impossible for final adjustments to be made". Accordingly, Columbia Gas & Electric Corporation requests the one year extension mentioned above.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-16346; Filed, December 14, 1943;
2:30 p. m.]

[File Nos. 59-26, 70-403]

FLORIDA POWER & LIGHT CO., ET AL.

NOTICE OF FILING AND ORDER REOPENING RECORD AND RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of December, A. D. 1943.

In the matter of Florida Power & Light Company, American Power & Light Company and Electric Bond and Share Company, File No. 59-26; in the matter of Florida Power & Light Company and American Power & Light Company, File No. 70-403.

Notice is hereby given that amendments have been filed to joint applications-declarations previously filed by American Power & Light Company ("American"), a registered holding company, and its subsidiary company, Florida Power & Light Company ("Florida"), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder. All interested persons are referred to said documents, which are on file in the office of this Commission, for a statement of the

transactions therein proposed, as amended, which are summarized as follows:

1. Florida proposes to issue and sell \$45,000,000 principal amount of First Mortgage Bonds, \$10,000,000 principal amount of Sinking Fund Debentures, and \$5,000,000 principal amount of Serial Notes. Florida will invite proposals for the purchase of the Bonds and Debentures pursuant to the provisions of Rule U-50 under the act, the interest rates for such Bonds and Debentures to be determined in accordance with the provisions of the accepted bid or bids. The proceeds from the sale of such securities, together with available treasury funds, will be applied to redeem \$52,000,000 principal amount of presently outstanding First Mortgage Bonds, 5's, due 1954, at 101½ plus accrued interest, and to redeem 142,667 shares of publicly held cumulative \$7 preferred stock, without par value, at 110 plus accumulated unpaid dividends.

2. In addition to the foregoing securities Florida proposes to issue to its corporate parent, American, \$5,000,000 principal amount of new Sinking Fund Debentures in exchange for \$5,000,000 principal amount of Sinking Fund Debentures presently held by American. These Debentures will be part of the same series and will bear the same interest rate as the Debentures to be offered to the public in accordance with Rule U-50. American proposes to sell such Debentures at any time within two years but not earlier than six months from the effective date of this declaration.

3. American proposes to surrender, and Florida proposes to acquire, for cancellation without cost to Florida, the following securities:

\$17,000,000 principal amount 6% gold debenture bonds, Series A, due December 31, 1951;

13,477 shares of \$7 Preferred Stock, cumulative, no par value, having a liquidating preference of \$100 per share;

10,000 shares of \$8 Preferred Stock, cumulative, no par value, having a liquidating preference of \$100 per share; and

20,000 shares of \$7 Second Preferred Stock, cumulative, no par value, having a liquidating preference of \$100 per share. American proposes to waive all claims to accumulated dividends in arrears on this stock at the time of such acquisition, which amounted to \$1,551,666.66 as of October 31, 1943.

4. Florida proposes to acquire and American proposes to transfer, without cost to Florida, securities and indebtedness of Utilities Land Company (a wholly-owned subsidiary of American owning an ice plant and certain real estate in Florida) having an aggregate principal amount or stated value of \$1,301,000 and which will be recorded in the investment account of Florida at an amount of \$882,075.66.

5. Florida proposes to record in its capital surplus account the sum of \$22,169,775.66 as a result of the foregoing contributions by American and will also transfer an additional sum of \$6,794,449.21 to capital surplus by reduction of the stated value of its common stock. Florida contemplates using such capital surplus, existing capital surplus, and earned surplus, to make certain bal-

ance sheet adjustments including a reduction in plant account of \$29,617,839.11 and an increase in the reserve for property retirement in the amount of \$2,400,000.

The Commission having on July 10, 1941, issued a notice and order directed to Florida Power & Light Company, American Power & Light Company, and Electric Bond and Share Company instituting proceedings, under Sections 11 (b) (2), 12 (b), 12 (c), 12 (f), and 15 (f) of the Public Utility Holding Company Act of 1935, specifying therein the issues to which particular attention should be directed; and

Florida Power & Light Company and American Power & Light Company having on September 17, 1941, filed declarations and applications under the said Act and the rules and regulations thereunder, with respect to steps proposed to be taken by Florida Power & Light Company and American Power & Light Company with respect to the issues specified in Commission's notice and order of July 10, 1941; and

The Commission on September 23, 1941 having consolidated the proceedings on the above-mentioned matters, and hearings having been held thereon at various dates; and

The record having been closed on July 16, 1942 and counsel for respondents-declarants and counsel for the Public Utilities Division of the Commission having filed requested findings of fact and conclusions and briefs of law; and

Florida Power & Light Company and American Power & Light Company having requested that the record be reopened to consider the above-described amendments to the declarations and applications filed September 17, 1941; and

The Commission finding that such request is reasonable and that the granting thereof will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, That the record in this matter be reopened for the purpose of considering the amendments hereinbefore described.

It is further ordered, That a hearing on the applications and declarations as amended be held on December 21, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said applications and declarations as amended otherwise to be considered in

said hearing, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed capital contributions by American and the receipt thereof by Florida are in compliance with sections 10 and 12 of the act and the rules promulgated thereunder.

2. Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the Act and the Rules promulgated thereunder.

3. Whether the proposed issuance and sale of securities are in conformity with the requirements of section 7 of the act.

4. Whether the proposed sale of debentures by American will be in compliance with the requirements of the act and the rules promulgated thereunder.

5. Whether, in the event the applications are granted and the declarations are permitted to become effective, it is necessary to impose any terms or conditions to insure compliance with the standards of the act.

6. Whether the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) (2) of the act; whether, upon consummation of the proposed transactions, it would be appropriate to terminate the proceedings directed against Florida, American and Bond and Share, pursuant to sections 11 (b) (2), 12 (b), 12 (c), 12 (f) and 15 (f) of the act; and whether, in connection with the termination of such proceedings, it would be appropriate to impose any terms or conditions to insure compliance with the standards of the Act.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to Florida Power & Light Company, American Power & Light Company, and Electric Bond and Share Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER. Any person desiring to intervene or to participate in the proceedings shall notify the Secretary of the Commission prior to the date set for hearing in accordance with the provisions of Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19947; Filed December 14, 1943;
2:30 p. m.]

[File No. 70-830]

AMERICAN WATER WORKS AND ELECTRIC
Co., Inc.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of December 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American

Water Works and Electric Company, Incorporated, a registered holding company under the act; and

Notice is further given that any interested person may, not later than December 24, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized as follows:

American Water Works and Electric Company, Incorporated, a registered holding company, which owns all the outstanding common stock of Commonwealth Water and Light Company, its subsidiary, proposes to make a donation of capital in the amount of \$441,000 to Commonwealth, by means of the cancellation of open account indebtedness in like amount now owned by Commonwealth to American. Upon such cancellation, American will add the amount thereof to its investment in the common stock of Commonwealth and Commonwealth will transfer a corresponding amount to capital surplus. The purpose of the proposed transaction, as stated by the declarant, is to improve the financial condition of Commonwealth.

The declarant has designated section 12 (b) of the act and Rule U-45 as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19948; Filed, December 14, 1943;
2:30 p. m.]

WAR PRODUCTION BOARD.

WASATCH FURNACE & STOKER Co.

CONSENT ORDER

A. M. Stephens, doing business as Wasatch Furnace & Stoker Company, is engaged at 348 West Center Street, Provo, Utah, in the selling of heating equipment at retail. The War Production Board instituted administrative proceedings against him charging him with violations of General Limitation Order L-79, and Conservation Order L-41 for the reasons that from January 15, 1943, to April 5, 1943, he sold, delivered and installed in the residences of nineteen people in or near Provo, Utah, new coal-burning furnaces, each of a value and for a price in excess of \$200. Each of the furnaces was sold by A. M. Stephens without receiving any preference rating from the purchaser and without authorization from the War Production Board. None of them was sold as repairs to replace worn-out equipment. None of the purchasers, as A. M. Stephens knew, had authorization to begin construction of his residence in accordance with Conservation Order L-41. A. M. Stephens was familiar with General Limitation Order L-79 and Conservation Order L-41, or by reason of the nature of his business should have been familiar with them at the time the sales were made. His sales of the furnaces constituted wilful violations of Limitation Order L-79 and Conservation Order L-41. A. M. Stephens admits certain of the foregoing charges, and as to the others, he does not desire to contest them. These violations of Limitation Order L-79 and Conservation Order L-41 have diverted scarce materials to uses not authorized by the War Production Board.

Wherefore, upon agreement and consent of A. M. Stephens, the Regional Compliance Chief, the Regional Attorney, and upon the approval of a Compliance Commissioner, It is hereby ordered, That:

(a) A. M. Stephens, doing business as Wasatch Furnace & Stoker Company or

otherwise, his successors or assigns, shall not directly or indirectly, buy, order, receive, or accept delivery of any metal heating equipment, as the same is defined by General Limitation Order L-79 as amended, except as specifically authorized in writing by the War Production Board.

(b) Deliveries of material to A. M. Stephens, doing business as Wasatch Furnace & Stoker Company or otherwise, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order, or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocation or allotment shall be made to A. M. Stephens, doing business as Wasatch Furnace & Stoker Company or otherwise, his successors or assigns, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve A. M. Stephens, doing business as Wasatch Furnace & Stoker Company, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the date of issuance, and shall expire on January 1, 1944, at which time the restrictions contained in this order shall be of no further effect.

Issued this 14th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-18951; Filed, December 14, 1943;
3:09 p. m.]

